

CHAPTER 17. ZONING.

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COUNTY OF ROCKINGHAM, VIRGINIA

(ORDINANCE REVIEW AND UPDATE – VERSION 2.3)

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CHAPTER 17. ZONING.

ARTICLE 1. GENERAL PROVISIONS.

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17-100. Enactment of the Zoning Ordinance of Rockingham County, Virginia.

Pursuant to the authority delegated by the General Assembly in Chapter 22 of Title 15.2 of the Code of Virginia (1950), as amended, the Board of Supervisors of Rockingham County, Virginia, hereby repeals and re-enacts Chapter 17 of the Rockingham County Code. Chapter 17 shall be known as the Zoning Ordinance of Rockingham County. The authority, intent, objectives, and purposes of the Board of Supervisors in so enacting the Zoning Ordinance shall be construed to be consistent with the authority, intent, objectives, and purposes generally set forth in Chapter 22 of Title 15.2 of the Code of Virginia, and more specifically, with the authority, intent, objectives, and purposes set forth in Sections 15.2-2200, 15.2-2280, 15.2-2283, and 15.2-4303, and having given due consideration to those matters specified in Section 15.2-2284 of the Code of Virginia, *mutatis mutandis*. Terms, words, and phrases defined in Chapter 22 of Title 15.2 of the Code of Virginia shall have the same definition in this Chapter unless specifically defined otherwise, or necessarily defined otherwise by context. Throughout Chapter 17, the phrase “the Code of Virginia” refers to those acts of the General Assembly codified in the Code of Virginia (1950), as amended; the phrase “the County Code” refers to those ordinances enacted by the Board of Supervisors of Rockingham County codified in the Rockingham County Code; and the phrase “this chapter” refers to Chapter 17 of the County Code.

17-101. Applicability.

The provisions of this chapter shall apply to all property located within the limits of the County of Rockingham to the greatest extent permitted by applicable state and federal law.

17-102. Consistency with Comprehensive Plan.

With the adoption of this chapter, the Board of Supervisors has given all due consideration to the Comprehensive Plan and any other plan adopted by the county. However, the Comprehensive Plan is not incorporated by reference or otherwise into the Zoning Ordinance.

17-103. Incorporation of the Zoning Map.

The zoning map, with all notations, references and amendments attached thereto, and other information shown thereon, is hereby incorporated into and made a part of the Zoning Ordinance. The zoning map shall be made a public record and shall be kept permanently in the office of the Zoning Administrator, where it shall be accessible to the general public.

17-104. Division of Rockingham County into Districts.

Rockingham County is divided into zoning districts as named and described in Article 3, Conventional Districts, and Article 4, Planned Development Districts, of this chapter. The zoning districts are established and the boundaries are as shown on the zoning map which is maintained in the office of the Zoning Administrator.

17-105. Map Amendment.

If, in accordance with the provisions of this chapter, changes are made in the district boundaries or other information portrayed in the zoning map, such changes shall be entered on the zoning map after the amendment has been approved by the Board of Supervisors, together with a numerical entry referring to the application for the amendment, submitted in accordance with Article 10, Procedures, which shall be kept as a public record by the Zoning Administrator. Each numerical entry shall state the reference number of the application in the records of the Zoning Administrator and the date of the approval of the amendment by the Board of Supervisors. The zoning map shall be the final authority in determining the current zoning status of the County. No changes of any nature shall be made to the zoning map except in accordance with the procedures set forth herein.

17-106. Uses.

17-106.01. Applicability.

Pursuant to Section 15.2-2280 of the Code of Virginia, this chapter regulates the use of land and structures for all categories of land use as established herein. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, constructed, moved, or structurally altered except in conformity with the regulations herein specified for the district in which it is or is to be located.

17-106.02. Permitted Uses, Special Uses, and Accessory Uses.

- A. A permitted use is a use permitted by right in the zoning district in which the land is situated.
- B. A special use is a use permitted only after a public hearing, review by the Board of Supervisors, and its approval of a special use permit. A special use permit shall be issued by the Zoning Administrator that conforms to the special use approved by the Board of Supervisors.

- C. An accessory use is a use permitted only as accessory to a primary use permitted by right in the zoning district in which the land is situated.
- D. The permitted uses, special uses, and accessory uses are listed in Article 6, Land Uses, for each zoning district.

17-106.03. Prohibited Uses.

Excluding reasonable and customary accessory uses associated with a primary use otherwise permitted, uses not specifically identified as permitted in a zoning district either by right or by special use shall be prohibited.

17-106.04. Interpretation of Identified Uses.

- A. In the case of multiple uses, the regulation for each use, as provided in this chapter shall apply to that portion of the building or land so utilized, unless otherwise provided.
- B. If a use is specifically identified in the zoning district, while a more general use category is also listed, the regulations and applicability of the specifically identified use shall govern.

17-107. Replacement Dwellings.

The dwelling being replaced must be removed from the lot within three (3) months of the issuance of a certificate of occupancy for the replacement dwelling.

17-108. Supplemental Standards.

In addition to the ordinances for specific zoning districts set forth in Article 3, Conventional Districts, and Article 4, Planned Development Districts, of this chapter, supplemental standards applicable to particular uses or building types, within one (1) or more districts, are set forth in Article 6, Supplemental Standards.

17.109. Development Standards.

In addition to the ordinances for specific zoning districts set forth in Article 3, Conventional Districts, and Article 4, Planned Development Districts, of this chapter, development standards applicable to all zoning districts, unless otherwise provided, are set forth in Article 7, Development Standards.

17-110. Area, Setback, and Height Standards.

In addition to the ordinances for specific zoning districts set forth in Article 3, Conventional Districts, and Article 4, Planned Development Districts, of this chapter, area, setback, and height standards applicable to all uses and structures on lots or parcels within the County, are set forth in Article 8, Area, Setback, and Height Standards.

17-111. Chapter Compliance by All Departments Required.

All departments, officials, and public employees of the County who are vested with the duty or authority to issue permits or licenses shall comply with the provisions of this chapter.

17-112. Coordination with Other Regulations.

The use of buildings and land within the County is subject to all other regulations as well as this chapter, whether or not such other provisions are specifically referenced in this chapter. References to other regulations or provisions of this chapter or other chapters of the County Code are for the convenience of the reader. Lack of a cross reference shall not be construed as an indication that other regulations do not apply.

17-113. Rules of Interpretation and Construction.

A. General construction of language.

1. Except as otherwise provided in this chapter, all words shall have their customary dictionary meaning, within such context as they are used.
2. The titles of the articles, divisions, and sections of this chapter are for the convenience of the reader and are not to be construed as part of the content of the ordinance.
3. The neuter gender includes the feminine and masculine genders.
4. The word "shall" is mandatory. The word "may" is permissive.
5. The word "includes" or "including" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

B. All distances specified in this chapter for the purpose of separating uses shall be measured in a horizontal plane from the closest property line of one (1) use to the closest property line of the other use, and for the purpose of separating structures shall be measured in a horizontal plane from the closest point of one (1) structure to the closest point of the other structure. Specified distances for a use or structure on property abutting a district that is zoned differently shall be measured in a horizontal plane from the use or structure to the nearest point of the boundary line of the district that is not zoned the same.

C. Unless district boundary lines are fixed by dimensions, and where uncertainty exists as to the boundaries of any of the zoning districts as shown on the zoning map, the following rules shall apply:

1. Unless otherwise indicated, district boundaries indicated as approximately following platted property lines, the centerlines of streams, streets, roads, highways, alleys, or railroads, or the shorelines of reservoirs or other bodies of water, or civil boundaries, shall be construed to follow such lines.
2. District boundaries indicated as approximately parallel to the centerlines of streams, roads, streets, highways, or railroads, or rights-of-way of the same, or the shorelines of reservoirs or other bodies of water, or said lines extended, shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the zoning map.

3. Whenever any public road, street, or alley is officially vacated or abandoned, the zoning district applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.
4. Where a district boundary is indicated to follow or parallel a river, creek, or branch, or other body of water, such boundary shall be construed as moving with the actual shoreline with its reestablished center or channel.
5. If not otherwise specifically designated, all water areas, waterways, alleys, roads, streets, highways, railroads, and other rights-of-way, shall be deemed to be in the same zoning district as that of the immediately abutting property. Where the centerline of such described water areas, waterways, or rights-of-way serves as a zoning district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.
6. Where a lot in single ownership is divided by one (1) or more district boundary lines, each portion of the lot shall be subject to all the regulations applicable to the district in which it is located.
7. In case the exact location of a boundary cannot be otherwise determined by the foregoing methods, the Board of Zoning Appeals, upon application, shall establish the location of the boundary in accordance with this chapter.

17-114. Permits and Certificates.

No construction may commence, no use may be established or changed, and no structure shall be constructed, erected, altered, moved, or demolished unless and until all permits required by the County Code have been issued.

17-115. Severability.

Should any section or any provision of this chapter be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any part thereof other than the part so held to be unconstitutional or invalid, and such remainder of this chapter shall continue in full force and effect.

17-116. Vested Rights.

Nothing in this chapter shall be construed to authorize the impairment of any vested right. Without limiting the time when rights might otherwise vest, a property owner's rights shall be deemed vested in a land use and such vesting shall not be affected by a subsequent amendment to this chapter as set forth in Chapter 22 of Title 15.2 of the Code of Virginia.

17-117. Permits Issued Prior to Adoption of Chapter.

Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to October 1, 2014. However, if such construction does not commence within six (6) months after the issuance of a building permit, further construction shall be in conformity with the provision of this chapter for the district in which the operation is located.

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ARTICLE 2. DEFINITION OF TERMS.

Abandonment. (for wireless telecommunication facilities) The condition in which an antenna support structure ceases to be utilized for providing wireless service for a period of six (6) months.

Above ground level (AGL). (for wireless telecommunication facilities) When referring to a support structure, the distance measured from ground level at the base of the structure to an object or point on the structure such as an antenna, lightning rod or the top of the structure.

Accessory structure. A subordinate structure incidental to and located upon the same lot occupied by the primary structure or use. This includes prefabricated buildings, whether located on permanent foundations or not.

Acreage. A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

Adapted support structure. (for wireless telecommunication facilities) Any structure designed primarily for other purposes that can be utilized to support antennas and other associated equipment.

Adjacent. Nearby, but not necessarily touching.

Adjoining. Touching; abutting; contiguous.

Administrator, Zoning. see "Zoning Administrator."

Agricultural facility, intensive. Dairy operations, hog operations, confined feed lot operations, or poultry operations, where:

1. Animals have been, are, or will be confined and fed or maintained for any portion of a day for a total of forty-five (45) days or more in any twelve (12)-month period; or
2. Crops, vegetation, forage growth, or post-harvest residues are not sufficiently sustained in the normal growing season over a significant portion of the operation.

Agricultural products. Any aquaculture, horticulture, floriculture, viticulture, viniculture, silviculture, livestock, poultry, or other farm crops.

Agricultural research. Basic, applied, and developmental research of regional, national, or international concerns in the fields of livestock; plants; soil, water, and air quality; energy; food safety quality; nutrition; food processing, storage and distribution efficiency; nonfood agricultural products; and international development.

Agriculturally related products. Products that support agriculture or an agricultural activity. Examples of such products are hand tools, spreaders, and tractors.

Agriculture. Land used exclusively for purposes including aquaculture, horticulture, floriculture, viticulture, viniculture, silviculture, livestock and poultry husbandry, and other farming, with

necessary accessory uses such as packing, treating, or storing the produce, provided that the operation of the accessory use is clearly incidental to the agricultural activity.

Agritourism. Any activity carried out on a farm that allows members of the general public, regardless of fee charged, for recreational, entertainment, or educational purposes, to view or enjoy farming or farm wineries; historical, cultural, or harvest-your-own activities; value-added agricultural activity; or natural activities and attractions.

Airport elevation. The highest point on any usable landing surface expressed in feet above mean sea level.

Airport, heliport, or flight strip. A place where aircraft may take off or land, discharge or receive cargo and/or passengers, be repaired, take on fuel, or be stored. May include flight instruction.

Alley. A permanent service way providing a secondary means of access to adjoining properties.

Alteration. Any change in the total floor area or use of an existing structure.

Amusement, indoor. An establishment providing completely enclosed recreation activities, such as bowling, roller-skating, billiards, etc. Accessory uses may include the preparation and serving of food or the sale of equipment related to the enclosed use.

Animal, domestic. Animals as defined in animal husbandry, but kept only for personal use or casual sales, and are limited to one (1) animal unit per acre, not to exceed four (4) animal units.

Animal hospital. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. An accessory kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

Animal husbandry. The production of livestock or poultry. This may include animals in dairy operations but does not include animals in commercial stables, poultry facilities, animal hospitals, animal shelters, dog kennels, fur farms, livestock sales pavilions, hog operations, or game farms.

Animal shelter. A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, or nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Animal unit. For the purpose of this chapter, one (1) animal unit consists of domestic or domesticated: one (1) adult bovine animal (cattle, buffalo, etc.), two (2) juvenile bovine animals less than one (1) year old, two (2) camelid animals (llamas, alpacas, etc.), one (1) equine animal (horse, donkey, etc.), five (5) ovine animals (sheep, etc.), five (5) capridae animals (goats, etc.), two (2) porcine animals (pigs, etc.), fifty (50) small poultry (chickens, ducks, etc.), ten (10) medium poultry (turkeys, geese, etc.), or three (3) large poultry (ostriches, emus, etc.).

Antenna. (for wireless telecommunications facilities) Any exterior electronic device used for the transmission or reception of radio frequency signals designed for telephonic, radio, satellite or television communication.

Antenna support structure. (for wireless telecommunications facilities) Any structure designed primarily for the purpose of supporting one or more antennas including, but not limited to self-supporting lattice towers, guyed towers, and monopoles.

Antique. A work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least thirty (30) years old.

Antique shop. A place offering antiques for sale.

Apartment building. A building or structure arranged, intended, and designed to be occupied by three (3) or more families living independently of each other, and each with private kitchen and bathroom accommodations.

Applicant. (for wireless telecommunications facilities) Any entity requesting approval to construct a telecommunication facility through the county's permitting process.

Approach surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in this chapter. The perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, transitional, horizontal, and conical zones. The airspace zones as set forth in of this chapter.

Aquaculture. The cultivation of water plants, fish, and other marine life for human use or consumption.

Arbitrary. Fixed or arrived at through an exercise of will or by caprice, without consideration or adjustment with reference to principles, circumstances, or significance, or given to making decision thus; decisive but unreasoned.

Area. Synonymous with the word "tract," which is a piece of land capable of being described with such definitiveness that its location may be established and boundaries definitely ascertained.

Art gallery. An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.

Assembly. The gathering of persons for such purposes as civic, social, or religious functions; recreation, food or drink consumption; or awaiting transportation.

Assisted living facility. See "Group Home."

Auction facility. A building, area, including an outdoor area, used for the public sale of goods, wares, merchandise, or equipment to the highest bidder.

Automated teller machine (ATM). A pedestrian-oriented machine used by bank and financial service patrons for conducting transactions including deposits, withdrawals, and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with these regulations.

Automobile graveyard. Any lot or area which is exposed to the weather upon which more than three (3) junked or inoperable motor vehicles of any kind are located. May include sale of parts removed from the vehicles stored within the auto graveyard.**Balloon test.** A technique utilizing a balloon to demonstrate the height of a proposed antenna support structure or proposed wind energy structure.

Banner. A temporary sign of lightweight fabric or similar material that is mounted to a structure.

Base zoning district. Any district delineated on the official zoning map and as described in Article 3 of this Chapter.

Basement. Any area of the building having its floor sub-grade (below ground level) on all sides.

Bed and breakfast inn. Small, owner-operated businesses where lodging or lodging with meals is provided for a fee, usually by the day or week, excluding hotels and motels.

Biomass conversion facility. A facility in which agriculturally related materials including vineyard, grain or crop residues, animal wastes, straws, aquatic plants, and crops and trees planted for energy production is converted into heat, power, or biofuels.

Block. The lot or lots fronting on the same side of the same street between two (2) streets intersecting such street on such side with no other intersecting street intervening.

Board of Supervisors (BOS). The governing body of Rockingham County, Virginia.

Board of Zoning Appeals (BZA). The Board of Zoning Appeals as established under this chapter.

Buffer. An area of land, including but not limited to landscaping, berms, walls, and fences designed to separate, in a continuous manner, one use from another.

Building. Any structure having a roof supported by columns or walls.

Building Code. The Virginia Uniform Statewide Building Code as adopted by the board of supervisors and as amended.

Building contractor's operation. See "Contractor's operation, building."

Building footprint. The outline of the total area covered by a building's perimeter at the ground level.

Building height. The vertical distance from the lowest point of the building, structure, or wall exposed above the ground surface to the highest point of the roof.

Building mass. Building mass is the overall footprint, height, and bulk of a structure.

Building Official. The person or designee responsible for administering and enforcing the provisions of the building code.

Bus or rail terminal. See "Terminal, bus or rail."

Business. Office, professional, or service-type transactions, including storage of records and accounts.

Cab service. A business operating one (1) or more taxicabs, limousines, or vans.

Camp. Buildings and land used for organized group camping for the purposes of communal activities, such as crafts, sports, recreational activities, which are organized by a central entity.

Camper trailer. Vehicular unit mounted on wheels and towed by another vehicle to provide temporary living quarters for recreational camping or travel. Includes camper mounted on the bed of a pick-up truck.

Campground. An area with two or more individualized camping or recreational vehicle sites,. Public use facilities, including roads, restrooms, and service buildings may be required. These sites may have individual water, sewer, and electrical connections. An inherent element of a campground is temporary occupancy.

Car wash. A site used for washing and cleaning passenger vehicles, recreational vehicles, or other motor vehicles.

Caregiver. For purposes related to a temporary family health care structure, a caregiver means an adult who provides care for a mentally or physically impaired person within Rockingham County. A caregiver shall be either related by blood, marriage, or adoption to, or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

Carport. Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides by walls and is accessory to and not larger than the primary structure.

Catering facility. An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

Cemetery. Land used for the burial of the dead, and dedicated for interment purposes, including columbaria and mausoleums.

Central energy plant. A facility which houses the necessary equipment for the production and distribution of utilities, such as hot water, electricity, and steam within a development project.

Child daycare. See "Daycare, child."

Church or other place of worship. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and is maintained and controlled by a religious body organized to conduct public worship.

Clear zone. The area between the closest point of a manufactured home, including any accessory structure or structural addition, and the closest point of the neighboring manufactured home, including any accessory structure or structural addition, delineated by straight, parallel lines.

Clerk. The Clerk of the Circuit Court of Rockingham County, Virginia.

College, university. A post-secondary institution for higher learning that grants associate or bachelor degrees and may also have research facilities and/ or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor degrees or certificates of completion in business or technical fields.

Collocation. (for wireless telecommunications facilities) The shared use of an antenna support structure by two (2) or more wireless service providers or other entities that operate antennas.

Common area. A tract or parcel of land owned in common by the property owners, intended for use by all residents, customers, or employees within the development, and used collectively for passive or active recreation. Common area includes indoor space and outdoor space.

Community center. A place, structure, area, or other facility used for and providing educational, fraternal, recreational, religious, or social programs, generally open to the public, designed to accommodate and serve the community.

Community Development Director. See “Director of Community Development.”

Community garden (plant-a-garden). (1) land from which smaller plots are used by individuals for garden space, or (2) land gardened collectively by a group of individuals.

Community property. Community property consists of common area and non-recreational open space within a development project.

Company store. A use accessory to a business or industry that offers for sale items produced by the company.

Comprehensive plan. Rockingham County Comprehensive Plan as adopted and as amended.

Confined feedlot operation. A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. See “Agricultural facility, intensive.”

Conical surface. (for the Airport Overlay District) A surface, whose design standards are referenced in this chapter, extending and sloping horizontally and vertically from the periphery of the horizontal surface.

Contractor's operation. An operation for contractor(s) licensed by the Commonwealth of Virginia, which may include offices, outdoor operations, and outdoor storage of the operation's vehicles, equipment, and/or materials. Such operation may also include the indoor or outdoor repair and maintenance of its vehicles and equipment.

Convenience store. A retail establishment that sells convenience goods, such as food items, tobacco, periodicals, and household goods and may sell automotive fuel.

Correctional facility. Publicly or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

County Administrator The chief administrative official of Rockingham County who is appointed by and serves at the pleasure of the Board of Supervisors.

Cul-de-sac. The turn-around at the end of a dead-end street having an appropriate width for a safe and convenient reverse traffic movement.

Cultural center. A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

Curb spacing. The linear feet of curb occupied by one parking space.

Dairy facility, intensive. A barn with accessory uses or structures, including, but not limited to, loafing barns, manure pits, and milking parlors. See "Agricultural facility, intensive."

Daycare, adult. Any facility licensed by the Commonwealth of Virginia that provides supplementary care and protection during only part of the day to four (4) or more aged, infirm or disabled adults who reside elsewhere.

Daycare, child. A regularly operating service arrangement, licensed by the Commonwealth of Virginia, for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of thirteen (13) for less than a twenty-four (24)-hour period.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, streets, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development project. The development project may contain one or more lots or parcels of land to be developed or redeveloped as a coordinated site for a use or complex of uses, units, or structures, which may be constructed in one or more phases, and includes all undevelopable areas within the project.

Director of Community Development. The official or designee of Rockingham County charged with directing community development activities.

Director of Planning. The official or designee of Rockingham County charged with directing planning activities.

Director of Public Works. The official or designee of Rockingham County charged with directing public works activities.

Distribution center. A warehouse providing logistics services, related to the distribution of goods, which may include labeling, breaking bulk, inventory control and management, light assembly, order entry and fulfillment, packaging, pick and pack, price marking and ticketing, and transportation arrangement. However, these establishments shall always provide warehousing or storage services in addition to any logistic services.

Drive-in facility. See “Drive-through facility.”

Drive-through facility. Any portion of a building or structure from which customers can receive a service or obtain a product while in their motor vehicle. Regulated as a subordinate use to a primary use, regardless of the nature of the principal use.

Dwelling, accessory. A complete, detached dwelling unit located on the same parcel as a primary single family detached dwelling.

Dwelling, accessory apartment. A complete dwelling unit that is accessory to a commercial or office use.

Dwelling, duplex. Two (2) dwelling units constructed as side-by-side units or upper and lower units. Each dwelling unit shall be occupied by one (1) family.

Dwelling, farm-worker. A dwelling unit designed for and occupied exclusively by a person and/or his family solely or mainly working for the farming operation, which may include a farm worker who has retired from the farm on which the farm-worker dwelling is located, the widow or widower of such a person, and any resident dependents. This dwelling may include a manufactured home.

Dwelling, in-house security service. A dwelling unit on the site of an industrial use used solely for housing an individual (and family) who provides twenty-four (24)-hour on-site security. The dwelling may be located within an industrial structure or it may be a stand-alone dwelling.

Dwelling, manufactured home. A structure subject to the U.S. Department of Housing and Urban Development (HUD) regulation, which is transportable in one (1) or more sections; is eight (8) body feet or more in width, and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site, is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. This definition shall exclude on-frame modular dwellings, industrialized buildings, mobile units, mobile offices, mobile classrooms, recreational vehicles, and camping trailers.

Dwelling, rowhouse. A dwelling unit for a single family, on its own lot, separated from adjoining units by a vertical wall with no openings; and having separate, direct access to the outside. Also known as townhouse.

Dwelling, single-family detached. A dwelling unit designed for and occupied exclusively by one (1) family, including a modular dwelling on a permanent foundation, but not including a manufactured home. Permanent foundation is defined herein.

Dwelling unit. A unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Easement. A grant by a property owner of the use of land for a specific purpose or purposes by the general public, a corporation, or a certain person or persons.

Educational structure. A structure used by six or more persons at any one time for educational purposes through the 12th grade.

Electrical engineer. An individual or firm licensed to practice electrical engineering by the Commonwealth of Virginia.

Electrical substation distribution centers and transformer stations. A premises which may or may not contain buildings, where the interconnection and usual transformation of electrical service takes place between systems. An electrical substation shall be secondary, supplementary, subordinate, and auxiliary to the main system.

Electronic data storage or processing center. Facilities where electronic data is processed, including, data entry, storage, conversion or analysis, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales, and mailing list preparation.

Emergency and protective facility. A permanent facility, other than a community living arrangement, managed by a public or nonprofit agency that provides temporary housing and protective sanctuary for victims of fire, natural disaster, economic hardship, crime, abuse, or neglect. Such facility may contain individual sleeping rooms and may or may not have food preparation facilities and private shower or bath facilities. A facility may also include a food bank.

Entity. Any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

Equestrian facility. Commercial horse, donkey, and mule facilities including: horse ranches, riding schools and academies, horse exhibition facilities, and pack stations, where horses, donkeys, or mules are kept only during an organized event. The facility may include the sale of tack and related accessories items. Structures may include barns, stables, corrals, and paddocks accessory and incidental to the above uses.

Event center. A building, which may include on-site kitchen/catering facilities, where indoor and outdoor activities such as weddings, receptions, banquets, and other such gatherings are held by appointment.

Existing facility. (for wireless telecommunications facilities) A telecommunications facility that exists, is under construction, or for which a special use permit has been issued.

Facility, research. A facility for scientific laboratory research, investigation, testing, or experimentation, in technology-intensive fields, such as biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities. This term does not include the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Fairgrounds. An area of land use including but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters. Does not include racetracks.

Fall zone. (for wireless telecommunications facilities and wind energy conversion systems) An area within a radius equal to the height of the antenna support structure or wind energy structure within which there is a potential hazard from falling debris or collapsing material. A fall zone is distinct from a setback.

Family. A single housekeeping unit comprised of one of the following: (i) one (1) person living alone; (ii) two (2) or more persons related by blood, marriage, or adoption; (iii) as many as five (5) unrelated individuals; or (iv) as defined by the Code of Virginia §15.2-2291, eight (8) or fewer individuals residing together as a family unit in a residential facility, as defined below, with a resident counselor or other staff persons.

Family, immediate. For the purpose of this chapter, an immediate family member shall be any person who is a natural or legally defined offspring, stepchild, spouse, parent, grandparent, child, grandchild, or sibling.

Farm. One (1) or more areas of land, totaling at least six (6) acres and qualifying for land use valuation, used for the production, cultivation, growing, harvesting, or processing of agricultural products.

Farm building. A building or structure not used for residential purposes, located on a property where farming operations take place, utilized for either the storage, handling, production, display, sampling, or sale of agricultural products produced on the farm; the sheltering or raising of farm animals; the maintenance and storage of farm equipment used on the farm; or storage or use of supplies and materials used on the farm.

Farm cider mill. A facility for the extraction of juice from fruit, the processing of the juice into fruit cider and the bottling of the fruit cider, but not including distilling. At least fifty-one percent (51%) of the fresh fruits or agricultural products used by the owner to manufacture the cider shall be grown or produced on the farm or land in Virginia leased by the licensee, and meeting all regulations of the state alcoholic beverage control board.

Farm distillery. A facility for the distillation of alcohol and/or spirits where upon at least fifty-one percent (51%) of the fresh fruits or agricultural products used by the owner to manufacture the distilled product shall be grown or produced on the farm or land in Virginia leased by the licensee, and meeting all regulations of the state alcoholic beverage control board.

Farm equipment repair shop. Establishments repairing agricultural machinery and equipment.

Farm market. A market held in an open area or in a structure, where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and craft items, and food and beverages. Items shall not include those generally associated with thrift stores.

Farm winery. A winery as defined by the state alcoholic beverage control board where upon at least fifty-one percent (51%) of the fresh fruits or agricultural products used by the owner to manufacture the wine shall be grown or produced on the farm or land in Virginia leased by the licensee, and meeting all regulations of the state alcoholic beverage control board.

Federal Aviation Administration (FAA). An agency of the federal government which regulates all activities affecting air navigation.

Federal Communications Commission (FCC). An agency of the federal government that regulates all intrastate, interstate, and international communications via wire, wireless, satellite, and cable.

Fee simple. Absolute ownership of real property.

Feed mill. A facility where animal feed is produced which may include wholesale and/or retail.

Fitness center. An establishment where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/ or weight control.

Flea market. A structure or land, excluding community centers and publicly owned property, used more than three (3) times per twelve (12)-month period for the purpose of sale of any of the following items or similar items: clothing, housewares, appliances, novelties, antiques, farm implements, and furniture.

Floor area. The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, but not including any attic space providing headroom of less than seven (7) feet, unusable basement or cellar space not used for retailing, uncovered steps or fire escapes, open porches, accessory water or cooling towers, accessory, off-street parking spaces, and accessory off-street loading spaces.

Floriculture. The use of land for the growing or production for income of flowering and ornamental plants and trees.

Foundation, permanent. Any footer with a wall that shall meet all the requirements of the Uniform Statewide Building Code.

Frontage. That line of a lot which adjoins a street or right-of-way unless the primary building location dictates otherwise.

Funeral home and crematory. A building used for the preparation of the deceased for burial or cremation and display of the deceased and rituals connected therewith before burial. A funeral home, as defined for purposes of this code, includes a funeral chapel.

General development plan. A plan describing the proposed development project, which, when proffered by the applicant of a rezoning request, becomes part of the zoning for the property, if the rezoning request is approved by the Board of Supervisors.

Golf course. A tract of land with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a pro shop, restaurants, restrooms, a driving range and practice facilities, and shelters as accessory uses.

Government forests and parks. Forests and parks managed by the local, state, or federal government and open to the public.

Graveyard, automobile. See "Automobile graveyard."

Green. A compact and distinct area of usable open space, consisting of grassy areas and trees, spatially defined by adjacent features such as building facades and/or vegetation. Improvements to the green may consist of paths, benches, landscaping, and other improvements.

Greenhouse. A building or structure devoted to the protection or cultivation of flowers and other tender plants.

Group home. More than eight (8) individuals residing together as a family unit in a residential facility, as defined herein, with one or more resident counselors or other staff persons.

Gun shop, repair and sales. Any premises or portion thereof used for the sale, vending, dealing, exchange, transfer, or repair of guns, ammunition, and hunting equipment.

Halfway house. A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

Hazard to air navigation. An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.

Health Department. The Virginia Department of Health or its designated agent or representative.

Height. For the purpose of determining the height limits in all zoning districts set forth in this chapter and shown on the zoning map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.

Height, building. See "Building height."

Height, telecommunications facility. See "Telecommunication facility height."

Historic structure. Any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirement for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or (c) individually listed on the Virginia State inventory of historic places.

Hog operation. An enterprise in which hogs are kept and raised, regularly involving the use or presence of one (1) or both of the following: (a) two (2) or more acres of non-vegetative land (excluding land used for crops) and used for confined feeding, growing, raising, or birthing of hogs prior to slaughter; or (b) an enclosed confinement structure containing five hundred (500) or more square feet of floor space primarily for such enterprise.

Home business. A commercial use of a scale greater than home occupation but which is still secondary to the residential use, but not including agricultural or horticultural activities.

Home occupation. An occupation or activity which is clearly incidental and secondary to use of the premises as a dwelling and which is carried on wholly within a main building or accessory building by a member of the family who resides on the premises.

Horse stable, commercial. A building, group of buildings, or use of land, or any combination thereof, used for the sheltering, care, riding, or showing of horses. A horse stable does not include equestrian facility.

Horizontal surface. A horizontal plane above the established Airport elevation, the perimeter of which coincides with the perimeter of the horizontal zone.

Horticulture. The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.

Hospice center. A licensed facility with provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in an inpatient setting.

Hospital. An institution rendering medical, surgical, or other care, which is licensed as a hospital by the state hospital board.

Hotel or motel. A building or buildings in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming house as herein defined. This definition includes convention and conference center as accessory to the hotel or motel.

Hybrid system. (for wind energy conversion systems) An energy system that uses more than one technology to produce energy or work, such as a wind-solar system.

Impound lot. A lot on which wrecked vehicles awaiting insurance settlement or vehicles impounded by law enforcement are kept for no more than 180 days. An impound lot is not an automobile graveyard.

Industrial. Assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair or processing operations that are not classified as high-hazard or storage.

Industry, heavy. The manufacturing, compounding, packaging, assembly, fabrication or processing of goods and materials using processes that have (a) the potential for external impacts on the environment, including but not limited to uses involving storage of large quantities of explosives, acids, fireworks, pesticides, or other volatile or hazardous materials which could pose hazard to life, property or the environment in the event of an accident; or (b) adverse impacts on adjacent property in terms of noise, smoke, fumes, odors, glare, health or safety regardless of whether such impacts occur.

Industry, light. The manufacturing, compounding, packaging, assembly, fabrication or processing of goods and materials using processes that do not generally have the potential for external impacts on the environment or adversely impact adjacent properties in terms of noise, smoke, fumes, odors, glare, health or safety regardless of whether such impacts occur.

Inoperable vehicle. See "Vehicle, inoperable."

Institutional. A structure in which people are cared for or live in a supervised environment, having physical limitations because of health or age, are harbored for medical treatment or other care or treatment, or in which people are detained for penal or correctional purposes or in which the liberty of the occupants is restricted.

Junk. Any scrap, discarded, dismantled or inoperable: vehicles, including parts or machinery thereof; household furniture and appliances; construction equipment and materials; tanks,

containers, drums, and the contents thereof; and tires, pipes, wire, wood, paper, metals, rags, glass, plastic, food and related types of waste material.

Junked vehicle. See “Vehicle, junked.”

Jurisdictional waterway. Non-navigable tributaries to traditional navigable waters, that contain water at least seasonally and the wetlands that directly abut them.

Kennel operation, commercial. A facility to house, board, breed, groom, handle, or otherwise keep or care for dogs for sale or housed in return for compensation.

Kennel operation, private. The keeping of more than ten (10) adult dogs for personal use and enjoyment. Adult dogs are dogs over four (4) months of age.

Landscaping service. A business engaged in the decorative and functional alteration, planting, and maintenance of grounds at off-site locations, a greenhouse, a nursery, or any combination thereof.

Laundry, commercial or industrial. A facility in which laundry services are provided to commercial and industrial customers, such as the laundering of uniforms or hotel sheets and towels.

Laundry, dry cleaning, Laundromat. A facility where patrons, wash, dry, or dry clean clothing or other fabrics in machines operated by the patron, or where customers drop off and pick up clothing or other fabrics which are laundered or dry cleaned by the establishment’s employees.

Library. A facility for the public use, but not regular sale, of literary, musical, artistic, or reference materials.

Livestock sales facility. A commercial establishment wherein livestock and poultry are collected and sold.

Loading space. An unobstructed area not within the public right-of-way provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials, and merchandise.

Lot. See “Parcel.”

Lot, corner. A lot abutting on two (2) or more streets at their intersection.

Lot coverage. The portion of a site that is impervious (i.e. does not absorb water). This includes, but is not limited to, all areas covered by buildings, parking structures, including surface parking, driveways, roads, sidewalks, and any area of concrete or concrete. For the purpose of calculating lot coverage, any outdoor display or storage is considered impervious.

Lot, depth of. The average horizontal distance between the front and rear lot lines.

Lot, double frontage. An interior lot having frontage on two (2) streets. Also known as a through lot.

Lot, interior. Any lot other than a corner lot.

Lot of record. A lot, described by a deed or on a plat which has been recorded in the office of the Clerk.

Lot, pipe stem or flag. A lot where access to the public road is by a right-of-way or driveway not less than twenty (20) feet in width.

Lot, width of. The average horizontal distance between side lot lines.

Lumber mill. See “Sawmill or lumber mill.”

Machinery and equipment center. Establishments primarily engaged in the repair, maintenance, rental, or sales of large-scale commercial, farming, or industrial machinery and equipment.

Mail services. A commercial business or governmental agency, which conducts the retail sale of stationery products, and provides packaging and mail services (both U.S. Postal Service and private service), and provides mailboxes for lease.

Master plan. A plan that illustrates the development proposal for the subject property, including but not limited to building footprints and square footage; proposed uses; landscape areas, buffering, and screening; plazas; bicycle, pedestrian, and vehicular circulation; parking; site access; service areas; and the identification of potentially sensitive design issues; and the relationship of the proposed development to existing, surrounding developments.

Meat processing facility. A building where game or domestic animals are killed and/or processed.

Medical office or clinic. An office used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis. This use may include outpatient surgery, emergency care, medical-related support labs, and a pharmacy. This term shall not include group homes, halfway houses, hospitals, nursing homes, rehabilitation facilities, residential facilities, substance abuse treatment facilities, or schools.

Memorial garden. Land reserved in remembrance of the deceased. May include plaques, statues, memorial stones, or monuments. No bodies shall be interred in a memorial garden.

Mentally or physically impaired person. For the purposes related to a temporary family health care structure, a mentally or physically impaired person means a person who is a resident of Virginia or whose caregiver is a resident of Rockingham County, and who requires assistance with two or more activities of daily living, as defined in Section 63.2-2200 of the Code of Virginia, as certified in a writing provided by a physician licensed by the Commonwealth.

Mercantile. The display and sale of merchandise, including storage of goods incidental to sales, and accessible to the public.

Metal-working facility. A facility used to transform metal into intermediate or end products. Important fabricated metal processes are forging, stamping, bending, forming, painting and machining, used to shape individual pieces of metal, and other processes, such as welding and assembling, used to join separate parts together. Establishments may use one of these processes or a combination of these processes.

Microbrewery. A facility which produces or packages less than 10,000 barrels of beer or ale annually for wholesale distribution and/or retail sales, and which meets all Virginia Alcohol Beverage Control laws and regulations. Retail sales may occur directly to the consumer through a tap room, attached restaurant, or off-premise sales.

Millwork. The production of wood products such as doors, window casings, baseboards, mantels, and crown molding.

Mini-storage. A building or group of buildings divided into separate compartments used to meet the temporary storage needs; may include temperature controlled facilities.

Mitigation. (for wireless telecommunications facilities) The reduction or elimination of visual impacts through either concealment, camouflage, and/or disguise.

Mixed-use structure. A structure that includes residential, business, and mercantile uses, or any combination thereof.

Motor vehicle. Any passenger vehicle, such as cars, trucks, and vans, any motorcycle or all-terrain vehicle, any recreational vehicle or mobile home, or any tractor-trailer.

Motor vehicle parts sales. The display and sale of new, reconditioned, or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles, but not including an automobile graveyard.

Motor vehicle repair shop. A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles and trailers, or providing collision services, including body, frame, or fender repair, and overall painting.

Motor vehicle sales lot. Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, tractor-trailers, recreational vehicles, boats, motorcycles, or other similar motorized transportation vehicles, and may provide on-site facilities for the repair and service of vehicles

Motor vehicle towing service. Establishment that provides for the removal of vehicles but does not include on-site storage.

Multi-purpose trail. See “Shared-use path”.

Natural state or natural area. Land, usually open space, remaining in a natural, predevelopment condition in regard to vegetation and topography, as opposed to landscaping. Natural areas may be used for the preservation of existing trees, streams, etc.

Net residential area. All land in private residential lots or sites exclusive of streets, parking areas, common open spaces, commercial or other non-residential land.

Nonconforming structure, valid. A structure that complied with all regulations at the time of construction but, as a result of the subsequent amendments to this chapter, does not conform to the requirements of this chapter by reason of height or condition, or by reason of its impingement upon required yard area.

Nonconforming use, valid. A use that complied with all regulations at the time of establishment but, as a result of the subsequent amendments to this chapter, does not conform to the requirements of this chapter.

Nursery. Any land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting.

Nursing home. Any institution or facility meeting the licensing requirements as a nursing home under the Code of Virginia, 1950, as amended, including, but not limited to, nursing homes owned or administered by any agency of the Commonwealth of Virginia or a political subdivision thereof.

Obstruction. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in this chapter.

Office. A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

Off-street parking area. Space provided for vehicular parking outside the dedicated street right-of-way.

On-farm activities. Any activity detailed in Section 15.2-2288.6 of the Code of Virginia, carried out on and accessory to an agricultural operation.

Overlay zoning district. A district where certain additional requirements are superimposed upon the underlying base zoning district and where the requirements of the underlying base zoning district may or may not be altered.

Parcel. A measured portion of land separate from other portions of land by a metes and bounds description or described as a separate, distinct area in an instrument of conveyance or device and recorded with the clerk. Also known as “lot” or “tract”.

Parent tract. The parcel from which a subdivision is made.

Park. Open space maintained on a regular basis for passive and/or active recreation consisting of paved paths and trails, open lawns, vegetation, open shelters, recreational facilities, community gardens, or any combination thereof.

Park-and-ride facility. An off-street parking facility designed or intended to provide peripheral collection and storage of vehicles to accommodate commuter traffic into or out from the community; including accessory structures such as passenger shelters.

Parking facilities. An off-street facility including paved parking spaces and drives and aisles for maneuvering, providing access and for entrance and exit, developed in a way to accommodate the parking of automobiles. May include parking structures.

Person. Any individual, firm, organization, partnership, trust, corporation (including municipal corporation), company, limited liability company, association, joint stock association, or governmental entity. The term includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Pharmacy. A business predominantly for the sale of pharmaceutical items, supplies, and equipment.

Planning Commission (PC). The Planning Commission of Rockingham County, Virginia.

Planning Director. See “Director of Planning.”

Plat. The schematic representation of land divided or to be divided, prepared by a licensed surveyor . When used as a verb, “plat” is synonymous with “subdivide.”

Plaza. Usable open space, usually at the intersection of important streets, set aside for civic purposes and commercial activity, bordered by civic and/or private buildings. Plazas may range from very active places with adjacent complementary uses such as restaurants and cafés, to quiet areas with formal landscape plantings having seating, fountains, or public art.

Portable Storage Unit. Transportable units designed and used for temporary storage, to be loaded at one location and then transported to or stored at a secondary location.

Poultry operation. A poultry house with other accessory uses customarily required for operation.

Prescriptive right-of-way. An easement obtained by usage across another’s property allowing access through such property.

Primary. The main purpose for which land or a structure is used.

Primary surface. (for the Airport Overlay District) A surface, with a specified width as provided in this chapter, longitudinally centered on a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Print or copy shop. A facility for the reproduction and copying of printed material or drawings. This does not include sign shops or printing establishments.

Produce stand. Any structure or land used for the sale of agricultural or horticultural products, produced by the owner or his family, grown by the owner or tenant of the property and sold on the property.

Project perimeter. The outer or exterior boundary of a residential, commercial, or industrial development project.

Property owner. Any entity with fee simple title to any plot of land within the county.

Property owners’ association. A corporation or other legal entity or a nonprofit organization to which has as its purpose maintenance of streets or other common areas in a subdivision or development.

Public safety facility. A facility for public safety and emergency services, such as police, fire, or rescue stations, including related administrative facilities, and assembly and training space used for public or private events.

Public sewer. Any system of pipelines or conduits, pumping stations, force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conducting or treating sewage, which is owned or controlled by the County or any authority or district created thereby, or any municipal corporation or other public entity created thereby located within the boundaries of the County, or which is owned and operated by a public utility as defined in Section 56-265.1 of the Code of Virginia.

Public water. Any system of pipelines or conduits, pumping stations, force mains, and all other constructions, devices, and appliances appurtenant thereto, used for providing water services, which is owned or controlled by the County or any authority or district created thereby, or any municipal corporation or other public entity created thereby located within the boundaries of the County, or which is owned and operated by a public utility as defined in Section 56-265.1 of the Code of Virginia.

Public Works Director. See “Director of Public Works.”

Quarry operation. The extraction and processing of stone, sand, gravel, or topsoil, wherein processing does not transform the initial chemical composition of the extracted product. May involve the sale of quarried products.

Radio frequency engineer. (for wireless telecommunications facilities) An individual or firm with documented expertise in radio frequency propagation and engineering.

Radio or television station. A broadcasting facility licensed by the Federal Communications Commission, which may include transmitting and receiving equipment, studios, offices, utility buildings, and other necessary accessories needed to operate the facility.

Rail siding. A short stretch of railroad track that is used to store rolling stock or enable trains on the same line to pass.

Railroad yard. An area used for the switching, storing, and repairing of railroad cars, including freight pick-up and distribution.

Rated nameplate capacity. (for purposes of wind energy conversion systems) The maximum rated output of electric power production equipment, which is typically specified by the manufacturer with a “nameplate” on the equipment.

Recreational lodge. A building or buildings used for temporary housing in support of outdoor recreation. Does not include campgrounds.

Recreational vehicle. A vehicle which is built on a single chassis, is four hundred (400) square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light-duty vehicle, and which is designed not for use as a primary dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Refuse and recycling collection center. A county-owned facility used for the collection of refuse and county-approved recyclables.

Rehabilitation facility. An inpatient or outpatient facility providing therapy and rehabilitation. This facility may offer occupational therapy, physical therapy, vocational training, and special

training such as speech therapy but does not include therapy or rehabilitation for drug or alcohol abuse.

Residential facility. A facility in which individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident counselors or other staff persons for which the Department of Behavioral Health and Development Service is the licensing authority pursuant to the Code of Virginia; or a facility in which aged, infirmed, or disabled persons reside, with one or more resident counselors or other staff persons for which the Department of Social Services is the licensing authority pursuant to the Code of Virginia. For purposes of this definition, mental illness and developmental disability shall not include current, illegal use of, or addiction to, a controlled substance as defined in § 54.1-3401 of the Code of Virginia

Restaurant. A commercial establishment where foods and beverages are provided for immediate consumption; including but not limited to lunchrooms, cafeterias, coffee shops, cafés, taverns, delicatessens, hotel dining rooms, dinner theaters, soda fountains, fast food restaurants, full-service restaurants, and dining accommodations of public or private clubs.

Right-of-way. A strip of land acquired by grant, reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, and other similar uses; generally, for the right of one to pass over the property of another.

Right-of-way line. The dividing line between a lot, tract, or parcel of land and a right-of-way.

Rooming house. A structure used for residential occupancy on a rental basis, where for compensation and by prearrangement for defined periods, lodging or lodging and meals are provided for at least five (5) and up to fourteen (14) persons. A rooming house may also include the dwelling unit occupied by the owner or operator.

Rowhouse. See “Dwelling, rowhouse.”

Runway. A specified area on an airport prepared for landing and takeoff of aircraft.

Sawmill or lumber mill. A facility where logs or partially processed cants are sawn, split, shaved, stripped, planed, chipped, kiln-dried, or otherwise processed to produce wood products, such as making boards and trusses and components. Wood products may also include mulch and firewood. The use may include the production of wood products, such as doors, window casings, baseboards, mantels, and crown molding, or wholesale and retail sales.

School. Educational institution or educational organization, maintained or conducting classes for the purpose of offering instruction of students.

Screening. Visually concealing or obscuring an abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Seasonal worker housing. Temporary residential space owned or managed by a company or firm whose primary business does not include housing. Space is provided to individuals, including family members, employed by the company or firm for the duration of a season.

Setback. The minimum distance by which any structure shall be separated from a street right-of-way or lot line.

Setback line, minimum. The width required on any lot for construction.

Shadow flicker. (for wind energy conversion systems) The visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures, causing the repeating pattern of light and shadow.

Shared-use path. A path or trail that is physically separated from motorized vehicular traffic by open ground or a barrier and is typically located either within the road right-of-way or within a separate right-of-way. A multi-purpose trail may be used by bicyclists, pedestrians, skaters, users of wheel chairs or wheel chair conveyances, joggers, and other non-motorized users. A multi-purpose trail may also be a multi-use trail or shared-use path.

Shooting range, indoor. A completely enclosed building designed for the safe discharge of archery equipment and firearms at targets for marksmanship practice or competitions.

Shooting range, outdoor. An outdoor area or structure designed for the safe discharge of archery equipment and firearms at targets for marksmanship practice or competitions.

Sidewalk. An improved pedestrian surface that is typically located adjacent to a road, which meets handicap-accessibility requirements.

Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from any public way and used as an outdoor display. A display of less than one (1) square foot in area is excluded from this definition.

Sign area. The advertising area, excluding architectural trim and structural supports.

Sign, business. A sign, painted, electrical, or otherwise erected for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the premises upon which said sign is located.

Sign, development. A sign near or on a construction site displaying the names and logos of any associated construction or design companies and a description of the development project.

Sign, directional. A sign which may have one (1) end pointed or on which an arrow may be painted indicating only the name and the direction to the institution, business, or industry noted on the sign.

Sign, outdoor advertising. A structural poster panel or painted sign, either free-standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located.

Sign, portable. A sign that is not permanently affixed to a structure or the ground and is designed to be easily moved.

Sign structure. A structure composed of a single pole or multiple poles which is located on the ground or on top of another.

Sign structure facing. The surface of the sign upon, against, or through which the message of the sign is exhibited, not including architectural trim and structural supports.

Sign, temporary. Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other materials with or without frames intended to be displayed for a period of not more than twenty-one (21) consecutive days within any one hundred twenty (120) day period.

Silviculture. Any forest management activity, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation.

Site plan. A detailed, engineering drawing of proposed improvements to a given lot. A site plan shall include, as applicable, but not limited to, a building footprint, travel ways, parking, drainage facilities, sanitary sewer and waterlines, trails, lighting, and landscaping.

Site plan, minor. Any required site plan meeting the following criteria:

1. The site development involves new construction or use of less than one thousand (1,000) square feet of gross floor area.
2. The site development involves an addition to an approved site and the addition is less than -twenty-five hundred (2,500) square feet of gross floor area and has no increase in the parking required in this chapter or a change in utilities.
3. The site does not require additional ingress/egress or alteration of existing ingress/egress.
4. The site does not require engineering work to develop the building or site.

Ski area. A ski slope and a lodge, which may include sales, rentals, and services of related equipment and accessories, and food services.

Spa. An establishment which employs therapists whose services include massage and body or facial treatments. Full service hair salons, make-up consultation and application, and manicure and pedicure services may be provided as additional services. Therapists and practitioners rendering services shall be governed by their appropriate licensing board, if licensure is required.

Sports Complex. An indoor, outdoor, or partially enclosed facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports, including but not limited to football, baseball, basketball, ice hockey, or volleyball, with accompanying support activities, such as locker rooms, snack bars, or associated retail sales.

Stealth structure. (for wireless telecommunications facilities) Any structure designed to conceal or disguise wireless telecommunications facilities including but not limited to flag poles, silos, tree poles, and lookout towers.

Story. That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, the space between the first floor and the ceiling next above it.

Story, half. A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space of not more than two-thirds of the floor space is finished off for use.

Street. Any public or private roadway providing access to three (3) or more lots, or abutting properties. Does not include driveways.

Street centerline. A line generally parallel to the street right-of-way lines that equally divides the street right-of-way.

Street, private. A street or road not maintained by the Virginia Department of Transportation.

Street, public. A street or road maintained by the Virginia Department of Transportation.

Street, stub. A street, with no cul-de-sac, with right-of-way terminating at a parcel abutting the development or a future phase of the same development.

Street width. The total width of the strip of land dedicated or reserved for public travel, including roadways, curbs, gutters, sidewalks and planting strips.

Structural engineer. (for wireless telecommunications facilities) An individual or firm licensed to practice structural engineering by the Commonwealth of Virginia.

Structure. Anything constructed or erected, the use of which requires a location on the ground.

Structure height. (for wind energy conversion systems) The vertical height of a wind energy measured from existing average grade to the tip of the rotor blade at its highest point, or blade tip height.

Subdivide. To divide, partition, or develop any land into two (2) or more lots or parcels in compliance with chapter 16 of the Rockingham County Code.

Subdivider. Any person owning a tract or parcel of land to be subdivided.

Substance abuse treatment facility. A facility for the purposes of temporary or long-term inpatient treatment of victims of alcohol or drug use or addiction.

Surveyor. A land surveyor licensed by the Commonwealth of Virginia.

Taxidermy. The business of preparing and mounting the skins of animals.

Telecommunication facility height. The distance measured from ground level to the highest point on the structure, even if said highest point is an antenna.

Temporary family health care structure. A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (Section 36-70 et seq. of the Code of Virginia) and the Uniform Statewide Building

Code (Section 36-97 et seq. of the Code of Virginia). Placing the temporary family health care structure on a permanent foundation shall not be permitted.

Temporary structure. A structure placed on a parcel for use only during construction of the primary structure and removed after completion of construction of the primary structure.

Temporary use. A use established for a fixed period of time with the intent that such use will terminate automatically upon expiration of the fixed time period unless permission to conduct the use is renewed.

Terminal, bus or rail. A place where the transfer of people between modes of transportation takes place.

Theater. An area or structure used for drama, opera, motion pictures, or other performances.

Tower development company. Any entity that builds antenna support structures for the sole purpose of leasing space for the placement of antennas.

Tower height. (for wind energy conversion systems) The height above grade of the fixed portion of the wind energy system tower.

Tract. See “Parcel”.

Transit shelter. A structure that provides protection from the weather to persons who are waiting to board a publicly owned or franchised transit vehicle.

Transitional surfaces. (for the Airport Overlay District) Surfaces, whose design standards are referenced in this chapter, which extend outward perpendicular to the runway centerline extended sloping from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

Travel center. A facility typically providing fuel, food, convenience items, and rest and hygiene facilities for commercial truck drivers as well as interstate travelers.

Truck terminal. A facility where trucks are stored and dispatched when not accessory to another use on the premises. The use may include maintenance and service of dispatched vehicles.

Turbine. (for wind energy conversion systems) The parts of the wind system including the blades, generator and tail.

Unified control. A method by which two or more land owners and/or contract purchasers may act as a single entity for the purpose of making application for rezoning land to a planned zoning district.

Urban growth areas. Areas adjacent to growing unincorporated areas, towns, or the city that are planned for public infrastructure expansion and urban growth. Generally designated by an urban growth boundary, these areas provide a distinction between urban and rural uses and aid in the protection of the County’s rural character. Also referred to as “Service Areas”.

Uses, permitted. A use which is allowed in the district in which the land is situated. Where the proposed use is permitted and is in accordance with other regulations herein, the use shall be permitted by the zoning administrator, without a public hearing.

Uses, prohibited. Any use not specifically permitted by right or special use permit shall be prohibited.

Uses, special. A special use which may be allowed when the board of supervisors, after review of the application and hearing thereon, finds as a fact that the proposed use or uses are consistent with the comprehensive plan and the policies of the county, the standards of this chapter and the public interest. A special use permit will be issued by the zoning administrator after such special use has been approved by the board of supervisors.

Utility building. A building of less than two hundred (200) square feet for the storage of tools and other maintenance equipment and located on a lot that has no primary structure.

VDOT. Virginia Department of Transportation.

Variance. A departure of the terms of this chapter by the board of zoning appeals under procedures in accordance with the provisions of this chapter.

Vehicle, inoperable. Any motor vehicle, trailer or semitrailer, as those vehicles are defined in Virginia Code § 46.2-100, which has one or more of the following characteristics: (i) it is not in operating condition; (ii) it does not display valid license plates if the vehicle is required by State law to display valid license plates; (iii) it does not display an inspection decal if the vehicle is required by State law to display a valid inspection decal; or (iv) it displays an inspection decal that has been expired for more than sixty (60) days.

Vehicle, junked. Any motor vehicle which is not in operating condition; or which has been partially or totally disassembled and on which one of the following is missing (or on which the date has been expired for more than forty-five (45) days): valid inspection sticker or valid license plates.

Viniculture. The cultivation of grapes for the production of wine.

Viticulture. The cultivation of grapes and grapevines.

Warehouse. A structure primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods, maintenance and other equipment storage, and other warehouse products. These establishments provide facilities to store goods and do not sell the goods they handle. These establishments take responsibility for storing the goods and keeping them secure.

Water storage tank. A tank used to satisfy water pressure demand or fire suppression deficiencies.

Water/wastewater treatment facility. Any facility used for collection, treatment, testing, storage, or pumping of water or wastewater for distribution or disposal in compliance with state and local regulations.

Wind energy. Power generated by converting the mechanical energy of the wind into electrical energy through the use of a wind generator.

Wind energy conversion system. Wind energy conversion systems include all equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, new transmission lines needed to connect to local utility's electric transmission and/or distribution system, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

Wind energy structure. A wind energy conversion system consisting of a single wind turbine, wind energy tower, and associated controls or conversion electronics.

Wind energy system, large scale. A wind energy conversion system with a structure height greater than eighty (80) feet or a rated output of electrical power production equipment greater than five (5) megawatts.

Wind energy system, small. A wind energy conversion system with a maximum power that does not exceed 100 kw, which will be used primarily to reduce on-site consumption of utility power.

Wind energy tower. The structure on which the wind system is mounted.

Wind energy tower height. The height above grade of the fixed portion of the wind energy tower, excluding the wind turbine itself.

Wind farm. A piece of land on which a wind energy conversion system is sited for the purpose of electricity generation.

Wind monitoring or meteorological tower. A temporary tower equipped with devices to measure wind speeds and direction, and used to determine how much wind power a site can be expected to generate.

Wind turbine. A device that converts kinetic wind energy into rotational mechanical energy that derives an electrical generator to create electrical energy, in compliance with state and local regulations.

Winery, farm. See "Farm winery."

Wireless service provider. Any entity licensed or operating under a license issued by the FCC to provide wireless telecommunications services.

Wireless telecommunications facility. All infrastructure and equipment including but not limited to antenna support structures, antennas, transmission cables, equipment shelters, equipment cabinets, utility pedestals, ground systems, fencing, signage and other ancillary equipment associated with the transmission or reception of wireless communications.

Wireless telecommunications facilities, stealth. Any communications facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include but are not limited to antenna tower alternatives structures, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing or proposed trees and landscaping, and antenna structures designed to look like light poles.

Yard, front. An area on the same lot with the main building, extending the full width of the lot and situated between the frontage and the front line of the building. The minimum depth of the front yard is defined by the front setback.

Yard, rear. An area on the same lot with the main building, such space may have an accessory building, and the yard extends the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected by the sidelines of the lot. **Yard, side.** An area on the same lot with a main building situated between the sideline of the building and the adjacent sideline of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot; and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot.

Yard sale. The sale of miscellaneous, used items commonly associated with residential use. The term “yard sale” includes “garage sale,” “basement sale” and “estate sale.”

Zero-lot line. A common lot line on which a wall or a structure may be constructed.

Zone. (for the Airport Overlay District) All areas provided for this chapter, generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces found in this chapter.

Zoning Administrator. The official or designee, of Rockingham County, charged with enforcing, administering, and interpreting the zoning ordinance. The Zoning Administrator shall also be referred to as the Administrator.

CHAPTER 17. ZONING

ARTICLE 3. CONVENTIONAL DISTRICTS.

SECTION 17-301. CONSERVATION DISTRICT (C-1).

Sec. 17-301.01. Definition.

Sec. 17-301.02. Requirements.

17-301.01. Definition.

This district contains land in the County for the purposes of natural resource management and public recreational use.

17-301.02. Requirements.

- A. All land in the C-1 district shall be owned by the federal, state, or local government.
- B. When land zoned C-1 is transferred to private ownership, the official zoning map shall be amended so that land assumes the least intensive zoning district of the majority of the nearest or adjoining private lands, unless an amendment for another zoning district is submitted and approved under Article 10, Procedures, of this chapter.
- C. With the exception of Sec. 17-301, this Chapter has no effect on land zoned C-1.

CHAPTER 17. ZONING.

ARTICLE 3. CONVENTIONAL DISTRICTS.

SECTION 17-302. PRIME AGRICULTURAL DISTRICT (A-1).

- Sec. 17-302.01. Definition.**
- Sec. 17-302.02. Requirements.**
- Sec. 17-302.03. Minimum Area.**
- Sec. 17-302.04. Water and Sewer.**
- Sec. 17-302.05. Land Uses.**
- Sec. 17-302.06. Development Standards.**
- Sec. 17-302.07. Area, Setback, and Height Standards**

17-302.01. Definition.

The A-1 district is designed to implement Comprehensive Plan goals related to the preservation of the County's agricultural industry, economy, and rural character. This is achieved by giving preference to uses that conserve agricultural and forestal land, protect water and air quality, and conserve water and other natural and ecological resources.

17-302.02. Requirements.

- A. The predominant land uses in the A-1 district shall be agricultural production and forestry. Agritourism and agribusiness-related support uses shall be permitted in order to supplement farm income.
- B. Agricultural and forestal activities shall be regulated only to the extent necessary to protect public health and safety. People who choose to live in the A-1 district should expect agricultural and forestal activities to produce noise, odors, and other effects as part of day-to-day operations.

17-302.03. Minimum Area.

- A. The minimum acreage required for the A-1 district shall be six (6) contiguous acres.
- B. No minimum acreage shall be required for additions that form a logical extension of or adjoin an existing A-1 district.

17-302.04. Water and Sewer.

- A. All uses requiring water service shall be served by public water where available.
- B. All uses requiring sewage treatment shall be served by public sewer where available..

17-302.05. Land Uses.

See Article 6, Land Uses.

17-302.06. Development Standards.

See Article 7, Development Standards.

17-302.07. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

CHAPTER 17. ZONING

ARTICLE 3. CONVENTIONAL DISTRICTS.

SECTION 17-303. GENERAL AGRICULTURAL DISTRICT (A-2).

- Sec. 17-303.01. Definition.**
- Sec. 17-303.02. Requirements.**
- Sec. 17-303.03. Minimum Area.**
- Sec. 17-303.04. Water and Sewer.**
- Sec. 17-303.05. Land Uses.**
- Sec. 17-303.06. Development Standards.**
- Sec. 17-303.07. Area, Setback, and Height Standards.**

17-303.01. Definition.

The A-2 district is designed to implement the Comprehensive Plan goals related to the preservation of the County's agricultural industry, economy, and rural character. This is achieved by giving preference to uses that conserve agricultural and forestal land, protect water and air quality, and conserve water and other natural and ecological resources.

17-303.02. Requirements.

- A. The predominant land uses in the A-2 district shall be agricultural production and forestry. Agritourism and agribusiness-related support uses shall be permitted in order to supplement farm income.
- B. The A-2 district shall allow more community-scale retail, service, and recreational uses than the A-1 district, primarily through special use permits.
- C. Agricultural and forestal activities shall be regulated only to the extent necessary to protect public health and safety. People who choose to live in this district should expect agricultural and forestal activities to produce noise, odors, and other effects as part of day-to-day operations.

17-303.03. Minimum Area.

- A. The minimum acreage required for the A-2 district shall be six (6) contiguous acres.
- B. No minimum acreage shall be required for additions that form a logical extension of or adjoin an existing A-1 district or A-2 district.

17-303.04. Water and Sewer.

- A. All uses requiring water service shall be served by public water where available.
- B. All uses requiring sewage treatment shall be served by public sewer where available.

17-303.05. Land Uses.

See Article 6, Land Uses.

17-303.06. Development Standards.

See Article 7, Development Standards.

17-303.07. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

CHAPTER 17. ZONING.

ARTICLE 3. CONVENTIONAL DISTRICTS.

SECTION 17-304. RURAL VILLAGE DISTRICT (RV).

- Sec. 17-304.01. Definition.**
- Sec. 17-304.02. Requirements.**
- Sec. 17-304.03. District Status.**
- Sec. 17-304.04. Water and Sewer.**
- Sec. 17-304.05. Land Uses.**
- Sec. 17-304.06. Development Standards.**
- Sec. 17-304.07. Area, Setback, and Height Standards.**

17-304.01. Definition.

The RV district is comprised of existing rural villages that have historically served as support to the surrounding rural areas. These areas have agribusinesses, agritourism, small-scale community retail or services, and residences.

17-304.02. Requirements.

- A. The RV district shall promote the continuance of community activities and the limited establishment of businesses to serve the immediate community or surrounding agricultural areas.
- B. Surrounding buildings should be evaluated as to the significance and integrity of their architecture and character. Where appropriate, new development should be compatible with adjacent structures and the pattern of the surrounding area. Compatibility is not construed to imply that new development conforms strictly to existing development but, rather, that new development is similar to existing development in scale and massing, that materials and colors complement the existing development, and that adequate transition buffers are provided between new commercial development and noncommercial development or zoning districts.
- C. Development incompatible with the RV district or the surrounding agricultural or forestal uses shall be encouraged to locate within urban growth areas designated in the Comprehensive Plan or in other plan adopted by the County.

17-304.03. District Status.

- A. Land zoned RS-1 prior to October 1, 2014 shall be zoned RV and comply with Section 17-304.
- B. No minimum acreage shall be required for the RV district.

17-304.04. Water and Sewer.

- A. All uses requiring water service shall be served by public water where available.

B. All uses requiring sewage treatment shall be served by public sewer where available.

17-304.05. Land Uses.

See Article 6, Land Uses.

17-304.06. Development Standards.

See Article 7, Development Standards.

17-304.07. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

CHAPTER 17. ZONING.

ARTICLE 3. CONVENTIONAL DISTRICTS.

SECTION 17-305. RESIDENTIAL OR RECREATIONAL DISTRICT (RR-1).

- Sec. 17-305.01. Definition.**
- Sec. 17-305.02. Requirements.**
- Sec. 17-305.03. District Status.**
- Sec. 17-305.04. Water and Sewer.**
- Sec. 17-305.05. Land Uses.**
- Sec. 17-305.06. Development Standards.**
- Sec. 17-305.07. Area, Setback, and Height Standards.**
- Sec. 17-305.08. Streets.**

17-305.01. Definition.

- A. This district is designed to provide for housing development in rural and mountainous areas that are generally unsuitable for intensive agricultural use. Desired locations consist of areas having limitations restricting agricultural uses.
- B. The district recognizes two (2) types of development with the RR-1:
 - 1. RR-1-Residential. This type of development is intended to provide space for low-density residential development of an exclusive nature, intended for full-time residences.
 - 2. RR-1-Recreational. This type of development is intended for low-density recreational housing. Generally situated in mountainous and wooded areas, the development is characterized by housing used as part-time residences or retreats.

17-305.02. Requirements.

- A. All lots shall front on a public street or front on a private right-of-way at least fifty (50) feet in width. The minimum frontage shall be one hundred (100) feet at the setback line.
- B. A Property Owners Association shall be responsible for the maintenance of the private streets within a subdivision.
- C. No conveyance, whether by the developer or subsequent owner, of any lot fronting on a private right-of-way shall be recorded unless the deed of conveyance is signed by the grantee and contains language, and is accompanied by, a duly recorded restrictive covenant to specify that:
 - 1. When streets are private, each subdivision plat and deed with private streets shall contain the following language: "The streets in this subdivision do not meet the standards necessary for inclusion in the system of state highways nor are they intended for inclusion in the system of state highways and shall not be maintained by the VDOT or Rockingham County and are not eligible for rural addition funds or any other fund appropriated by the General Assembly and allocated by the Commonwealth Transportation Board."

2. No request will be made to have the lot herein conveyed served by a public street unless and until the private street serving said lot has been dedicated and constructed, at no cost to the County or VDOT, in accordance with the current VDOT subdivision street standards, as amended from time to time, with the exception of minimum right-of-way width, which shall be in all instances a minimum of fifty (50) feet in width. To the extent that such roads shall meet the requirements of VDOT, the requirements of Chapter 16, Subdivision of Land, are hereby modified. No request will be made to the County for school bus service until the streets have been made public as set forth herein.

17-305.03. District Status.

- A. Land zoned RR-1 prior to October 1, 2014 shall comply with Section 17-305.
- B. No additional land shall be zoned RR-1 after October 1, 2014.

17-305.04. Water and Sewer.

- A. All uses requiring water service shall be served by public water where available.
- B. All uses requiring sewage treatment shall be served by public sewer where available.

17-305.05. Land Uses.

See Article 6, Land Uses.

17-305.06. Development Standards.

See Article 7, Development Standards.

17-305.07. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

17-305.08. Streets.

At a minimum, the private street shall be constructed as a single lane with a twelve- (12) foot-wide roadbed, crowned with ditches and culvert pipes, or outsloped with dips. Ten- (10) foot by fifty- (50) foot turnouts at one thousand- (1,000) foot maximum spacing, and extra-width curve widening for tri-axle trucks shall be provided. The standards in Table 17-305.07, Private Street Standards, shall be followed:

Table 17-305.08. Private Street Standards.

Road Grade (% of Slope)	Roadbed, Type, and Drainage	Surfacing
0 to 5%	Crowned (three (3) percent) with side ditch and culvert pipes spaced at two hundred (200) foot maximum, or outsloped (three (3) percent) with dips spaced at one hundred fifty (150) foot maximum.	Crushed aggregate.
5 to 10%	Crowned with (three (3) percent) side ditch and culvert pipes spaced at one hundred fifty (150) foot maximum, or outsloped (three (3) percent) with dips spaced at one hundred fifty (150) foot maximum.	Crushed aggregate.
10 to 15%	Crowned (three (3) percent) with side ditch and culvert pipes spaced at one hundred forty (140) foot maximum.	Crushed aggregate or pit run aggregate.
15 to 20%	Crowned (three (3) percent) with side ditch and culvert pipe spaced at one hundred thirty (130) foot maximum.	Asphalt pavement or asphalt surface treatment (chip and seal).
Above 20%	Crowned (three (3) percent) with erosion control stone lined side ditch and culvert pipe spaced at one hundred twenty (120) foot maximum.	Asphalt pavement or asphalt surface treatment (chip and seal).

CHAPTER 17. ZONING.

ARTICLE 3. CONVENTIONAL DISTRICTS.

SECTION 17-306. LOW-DENSITY RESIDENTIAL DISTRICT (R-1).

- Sec. 17-306.01. Definition.**
- Sec. 17-306.02. Requirements.**
- Sec. 17-306.03. Maximum Area.**
- Sec. 17-306.04. Water and Sewer.**
- Sec. 17-306.05. Land Uses.**
- Sec. 17-306.06. Development Standards.**
- Sec. 17-306.07. Area, Setback, and Hieght Standards.**
- Sec. 17-306.08. Cluster Development.**

17-306.01. Definition.

The R-1 district provides low-density residential development alternatives, including limited neighborhood amenities and clustered development.**17-306.02. Requirements.**Any new R-1 district created after October 1, 2014 shall be located in urban growth areas designated in the Comprehensive Plan or any other plan adopted by the County.

17-306.03. Maximum Area.

- A. No minimum acreage shall be required for the R-1 district.
- B. The maximum acreage permitted for any new R-1 district shall be five (5) acres.

17-306.04. Water and Sewer.

- A. Within urban growth areas, all uses requiring water service shall be served by public water
- B. Within urban growth areas, all uses requiring sewage treatment shall be served by public sewer.
- C. Outside of urban growth areas, all uses requiring water service shall be served by public water where available.
- D. Outside of urban growth areas, all uses requiring sewage treatment shall be served by public sewer where available.

17-306.05. Land Uses.

See Article 6, Land Uses.

17-306.06. Development Standards.

See Article 7, Development Standards.

17-306.07. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

17-306.08. Cluster Development.

Any R-1 district may develop as a cluster development, provided the following conditions are met:

- A. Clustered single-family residential housing shall be developed following regulations set forth in Article 8, Area, Setback, and Height, for the Planned Single Family Residential district.
- B. Density of the cluster development shall not exceed the maximum net density of the non-clustered R-1 district.
- C. At least thirty-five (35) percent of the development is set aside as common area.
- D. Community property, including all common area and all non-recreational open space, shall be deeded to a Property Owners Association, which shall retain neither subdivision rights nor development rights.
- E. Until community property has been deeded to the Property Owners Association, all responsibility for maintenance of community property shall fall to the developer.
- F. The site shall be developed using low impact development techniques, including, but not limited to, encouraging contour development and limiting mass grading.
- G. The single-family residential dwellings shall be arranged in a cluster development as presented by the Virginia Chapter of the American Planning Association (APA-VA) in the most current edition of "Managing Growth and Development in Virginia: A Review of the Tools Available to Localities."
- H. Pipe-stem lots shall be allowed in cluster developments.

CHAPTER 17. ZONING.

ARTICLE 3. CONVENTIONAL DISTRICTS.

SECTION 17-307. MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2).

- Sec. 17-307.01. Definition.**
- Sec. 17-307.02. Requirements.**
- Sec. 17-307.03. Maximum Area.**
- Sec. 17-307.04. Water and Sewer.**
- Sec. 17-307.05. Land Uses.**
- Sec. 17-307.06. Development Standards.**
- Sec. 17-307.07. Area, Setback, and Height Standards.**
- Sec. 17-307.08. Cluster Development.**

17-307.01. Definition.

The R-2 district provides medium-density residential development alternatives, including neighborhood amenities and clustered development. **17-307.02. Requirements.** Any new R-2 district created after October 1, 2014 shall be located in urban growth areas designated in the Comprehensive Plan or any other plan adopted by the County.

17-307.03. Maximum Area.

- A. No minimum acreage shall be required for the R-2 district.
- B. The maximum acreage permitted for any new R-1 district shall be five (5) acres.

17-307.04. Water and Sewer.

- A. Within urban growth areas, all uses requiring water service shall be served by public water.
- B. Within urban growth areas, all uses requiring sewage treatment shall be served by public sewer.
- C. Outside of urban growth areas, all uses requiring water service shall be served by public water where available.
- D. Outside of urban growth areas, all uses requiring sewage treatment shall be served by public sewer where available.

17-307.05. Land Uses.

See Article 6, Land Uses.

17-307.06. Development Standards.

See Article 7, Development Standards.

17-307.07. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

17-307.08. Cluster Development.

Any R-2 district may develop as a cluster development, provided the following conditions are met:

- A. Clustered single-family residential housing shall be developed following regulations set forth in Article 8, Area, Setback, and Height, for the Planned Single Family Residential district.
- B. Density of the cluster development shall not exceed the maximum net density of the non-clustered R-2 district.
- C. At least thirty-five percent (35%) of the development is set aside as common area.
- D. Community property, including all common area and all non-recreational open space, shall be deeded to a Property Owners Association, which shall retain neither subdivision rights nor development rights.
- E. Until community property has been deeded to the Property Owners Association, all responsibility for maintenance of community property shall fall to the developer.
- F. The site shall be developed using low impact development techniques, including, but not limited to, encouraging contour development and limiting mass grading.
- G. The single-family residential dwellings shall be arranged in a cluster development as presented by the Virginia Chapter of the American Planning Association (APA-VA) in the most current edition of "Managing Growth and Development in Virginia: A Review of the Tools Available to Localities."
- H. Pipe-stem lots shall be allowed in cluster developments.

CHAPTER 17. ZONING.

ARTICLE 3. CONVENTIONAL DISTRICTS.

SECTION 17-308. GENERAL RESIDENTIAL DISTRICT (R-3).

- Sec. 17-308.01. Definition.**
- Sec. 17-308.02. Requirements.**
- Sec. 17-308.03. Maximum Area.**
- Sec. 17-308.04. Water and Sewer.**
- Sec. 17-308.05. Land Uses.**
- Sec. 17-308.06. Development Standards.**
- Sec. 17-308.07. Area, Setback, and Height Standards.**

17-308.01. Definition.

The R-3 district provides medium-density to high-density residential development alternatives, including neighborhood amenities and commercial areas.

17-308.02. Requirements.

- A. While allowing for a variety of uses, the R-3 district is primarily residential. All nonresidential uses shall be compatible with the residential nature of the district.
- B. Any new R-3 district created after October 1, 2014 shall be located in urban growth areas designated in the Comprehensive Plan or any other plan adopted by the County.

17-308.03. Maximum Area.

- A. No minimum acreage shall be required for the R-3 district.
- B. The maximum acreage permitted for any new R-3 district shall be five (5) acres.

17-308.04. Water and Sewer.

- A. Within urban growth areas, all uses requiring water service shall be served by public water.
- B. Within urban growth areas, all uses requiring sewage treatment shall be served by public sewer.
- C. Outside of urban growth areas, all uses requiring water service shall be served by public water where available.
- D. Outside of urban growth areas, all uses requiring sewage treatment shall be served by public sewer where available.

17-308.05. Land Uses.

See Article 6, Land Uses,

17-308.06. Development Standards.

See Article 7, Development Standards.

17-308.07. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

CHAPTER 17. ZONING.

ARTICLE 3. CONVENTIONAL DISTRICTS.

SECTION 17-309. MIXED HOME DISTRICT (MH-1).

- Sec. 17-309.01. Definition.**
- Sec. 17-309.02. Requirements.**
- Sec. 17-309.03. District Status.**
- Sec. 17-309.04. Water and Sewer.**
- Sec. 17-309.05. Common Area.**
- Sec. 17-309.06. Land Uses.**
- Sec. 17-309.07. Development Standards.**
- Sec. 17-309.08. Area, Setback, and Height Standards.**
- Sec. 17-309.09. Streets.**

17-309.01. Definition.

This district provides residential opportunities in the form of manufactured home parks and mixed home subdivisions in locations where such uses are compatible with adjoining land uses.

17-309.02. Requirements.

- A. Any manufactured home located on a manufactured home lot shall have the street address located on the end of the manufactured home facing the street. These numbers shall be in accordance with Chapter 2, Section 2-165(a) and (b) of the Rockingham County Code.
- B. Accessory structures shall be allowed in any nonconforming manufactured home park only if setbacks can be met.
- C. Only zoning amendments for the purpose of amending lot sizes in manufactured home parks shall be permitted. The site plan that accompanies the zoning amendment application shall meet the following minimum requirements:
 - 1. Site plans shall be legibly drawn to scale.
 - 2. A vicinity map showing the location and area of the proposed park.
 - 3. The boundary lines, area, and boundary dimensions of the proposed park.
 - 4. The location and dimensions, if any, of all existing streets and street rights-of-way, easements, water, sewerage, drainage facilities, and other community facilities and utilities on and adjacent to the proposed park.
 - 5. Layout, including interior streets with dimensions, location and type of solid waste collection facilities, lot lines, dimensions, and areas of manufactured home lots; common open space and recreation areas, common parking areas, and other common areas; recreation buildings, if any, and other permanent structures. Size and location of all existing homes within the manufactured home park shall be shown.

6. The site plan shall be accompanied by a narrative statement describing how the standards and requirements set forth herein are to be met; a statement that there will be an adequate supply of potable water from either a public water supply system or from a private water system conforming to all applicable laws, regulations, resolutions and ordinances, and a statement that there will be an adequate sewer system. Both statements on water and sewer shall have preliminary approval from the Health Department or the Director of Public Works, where appropriate.
- D. Final site plan requirements following rezoning. Upon zoning approval, manufactured home park site plans shall include the following additional information. The final site plan shall be in substantial accordance with the site plan approved with the zoning amendment. The final site plan shall receive approval from VDOT, the Zoning Administrator, and the Health Department or agent for a community water or sewer system if such a system is to serve the park, prior to application for manufactured home placement permits. The additional information shall include:
1. The date of the site plan, the name of the surveyor or engineer preparing it, and the number of sheets comprising the site plan;
 2. The name and signature of the owner, the name of the proposed park, and the name of each street within the park;
 3. Water, sewer, drainage, and utility lines, facilities and connections with dimensions shown;
 4. Location and sizes of all existing manufactured homes within the park, locations and dimensions of manufactured home stands and parking spaces;
 5. Location and nature of firefighting facilities, including hydrants, fire extinguishers, and other firefighting equipment;
 6. Location of dumpsters, fuel storage facilities, and structures of high flammability.
- E. No less than 40% of homes in the mixed home subdivision shall be manufactured homes.

17-309.03. District Status.

- A. Land zoned MH-1 prior to October 1, 2014 shall comply with Section 17-309.
- B. No additional land shall be zoned MH-1 after October 1, 2014.

17-309.04. Water and Sewer.

- A. All uses requiring water service shall be served by public water where available.
- B. All uses requiring sewage treatment shall be served by public sewer where available.

17-309.05. Common Area.

The minimum area of any site within a manufactured home park devoted to common open space shall be ten thousand (10,000) square feet.

17-309.06. Land Uses.

See Article 6, Land Uses.

17-309.07. Development Standards.

See Article 7, Development Standards.

17-309.08. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

17-309.09. Streets.

A. In manufactured home parks:

1. An internal private street system shall meet the requirements of Article 7. Development Standards, with the following exceptions:
 - a. Minimum pavement widths shall be twenty-four (24) feet for streets providing access to forty (40) or more manufactured home stands and eighteen (18) feet for streets providing access to less than forty (40) manufactured home stands. Pavement widths shall be measured from edge of pavement to edge of pavement.
 - b. Dead-end streets shall be limited in length to four hundred (400) feet, shall be provided with cul-de-sacs with turning areas of not less than fifty (50) feet in radius, or with "T", or "Y" turning areas, and shall provide access to no more than twenty (20) manufactured home stands.
 - c. Streets shall be adapted to topography, shall follow the contours of the land as nearly as possible. No grade shall exceed twelve (12) percent, or no curve shall have an outside radius of less than eighty (80) feet.
2. Each manufactured home lot shall have at least two (2) paved or graveled parking spaces no closer than ten (10) feet to the manufactured home. A parking area shall be set aside in the manufactured home park to accommodate visitor parking or parking for additional vehicles owned by the occupants of the manufactured home park. At a minimum this parking area shall allow for one (1) parking space for each manufactured home lot and shall be located within one hundred fifty (150) feet of the manufactured home(s) it serves.

B. In Mixed Home Subdivisions:

1. An internal street system shall meet the requirements of Article 7, Development Standards, with the following exceptions:
 - a. Dead-end streets shall not be less than one hundred fifty (150) feet.
 - b. Minimum pavement widths shall be twenty-four (24) feet. Pavement widths shall be measured from curb face to curb face.

2. Each off-street parking area shall be paved or graveled and have unobstructed access to either a public or private street.

CHAPTER 17. ZONING.

ARTICLE 3. CONVENTIONAL DISTRICTS.

SECTION 17-310. GENERAL BUSINESS DISTRICT (B-1).

- Sec. 17-310.01. Definition.**
- Sec. 17-310.02. Requirements.**
- Sec. 17-310.03. Minimum Area.**
- Sec. 17-310.04. Water and Sewer.**
- Sec. 17-310.05. Land Uses.**
- Sec. 17-310.06. Development Standards.**
- Sec. 17-310.07. Area, Setback, and Height Standards.**

17-310.01. Definition.

The B-1 district provides a wide range of retail, wholesale, and service businesses to the public at convenient, concentrated locations.

17-310.02. Requirements.

- A. Any new B-1 district created after October 1, 2014 shall be located in urban growth areas designated in the Comprehensive Plan or any other plan adopted by the County.
- B. Sites shall be designed and built to ensure safe pedestrian and vehicular access internal to the site and to adjoining properties.
- C. Sites with adequate frontage and depth shall be provided to prevent sprawling strip commercial development and to permit controlled access to public streets.
- D. To maintain traffic safety and flow along the fronting public streets, interparcel access shall be provided.

17-310.03. Minimum Area.

No minimum acreage shall be required for the B-1 district.

17-310.04. Water and Sewer.

- A. All uses requiring water service shall be served by public water where available.
- B. All uses requiring sewage treatment shall be served by public sewer where available.

17-310.05. Land Uses.

See Article 6, Land Uses.

17-310.06. Development Standards.

See Article 7, Development Standards.

17-310.07. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

CHAPTER 17. ZONING.

ARTICLE 3. CONVENTIONAL DISTRICTS.

SECTION 17-311. NEIGHBORHOOD BUSINESS DISTRICT (B-2).

Sec. 17-311.01. Definition.

Sec. 17-311.02. Requirements.

Sec. 17-311.03. Minimum Area.

Sec. 17-311.04. Water and Sewer.

Sec. 17-311.05. Land Uses.

Sec. 17-311.06. Development Standards.

Sec. 17-311.07. Area, Setback, and Height Standards.

17-311.01. Definition.

The B-2 district provides small-scale commercial development designed and built to ensure safe pedestrian and vehicular access internal to the site and to adjoining properties.

17-311.02. Requirements.

- A. The B-2 district shall be located in urban growth areas designated in the Comprehensive Plan or any other plan adopted by the County.
- B. The B-2 district shall be located at minor intersections or in proximity to residential neighborhoods.
- C. Scattered or strip development is not appropriate.
- D. Activities in this district shall not be characterized by heavy trucking.

17-311.03. Minimum Area.

No minimum acreage shall be required for the B-2 district.

17-311.04. Water and Sewer.

- A. All uses requiring water service shall be served by public water where available.
- B. All uses requiring sewage treatment shall be served by public sewer where available.

17-311.05. Land Uses.

See Article 6, Land Uses.

17-311.06. Development Standards.

See Article 7, Development Standards.

17-311.07. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

CHAPTER 17. ZONING.

ARTICLE 3. CONVENTIONAL DISTRICTS.

SECTION 17-312. HEAVY INDUSTRIAL DISTRICT (I-1).

Sec. 17-312.01. Definition.

Sec. 17-312.02. Requirements.

Sec. 17-312.03. Minimum Area.

Sec. 17-312.04. Water and Sewer.

Sec. 17-312.05. Land Uses.

Sec. 17-312.06. Development Standards.

Sec. 17-312.07. Area, Setback, and Height Standards.

17-312.01. Definition.

The I-1 district provides a wide range of industries at concentrated locations.

17-312.02. Requirements.

- A. The I-1 district shall be located within urban growth areas as designated in the Comprehensive Plan or any other plan adopted by the County.
- B. The I-1 district is primarily oriented to primary roads, major intersections, interstate interchanges, and rail.
- C. Industrial uses shall have minimal public interaction.
- D. Sites with adequate frontage and depth shall be provided to prevent the scattering or stripping of industrial development and to permit controlled access to public streets.
- E. To maintain traffic safety and flow along the fronting public streets, interparcel access shall be provided.

17-312.03. Minimum Area.

No minimum acreage shall be required for the I-1 district.

17-312.04. Water and Sewer.

- A. All uses requiring water service shall be served by public water where available.
- B. All uses requiring sewage treatment shall be served by public sewer where available.

17-312.05. Land Uses.

See Article 6, Land Uses.

17-312.06. Development Standards.

See Article 7, Development Standards.

17-312.07. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

CHAPTER 17. ZONING.

ARTICLE 3. CONVENTIONAL DISTRICTS.

SECTION 17-313. LIMITED INDUSTRIAL DISTRICT (I-2).

Sec. 17-313.01. Definition.

Sec. 17-313.02. Requirements.

Sec. 17-313.03. Minimum Area.

Sec. 17-313.04. Water and Sewer.

Sec. 17-313.05. Land Uses.

Sec. 17-313.06. Development Standards.

Sec. 17-313.07. Area, Setback, and Height Standards.

17-313.01. Definition.

The I-2 district encourages active centers of employment by permitting certain small-scale industries, offices, and commercial uses.

17-313.02. Requirements.

- A. The I-2 district shall be located in urban growth areas designated in the Comprehensive Plan or any other plan adopted by the County.
- B. Sites with adequate frontage and depth shall be provided to prevent the scattering or stripping of industrial development and to permit controlled access to public streets.
- C. To maintain traffic safety and flow along the fronting public streets, interparcel access shall be provided.

17-313.03. Minimum Area.

No minimum acreage shall be required for the I-2 district.

17-313.04. Water and Sewer.

- A. All uses requiring water service shall be served by public water where available.
- B. All uses requiring sewage treatment shall be served by public sewer where available.

17-313.05. Land Uses.

See Article 6, Land Uses.

17-313.06. Development Standards.

See Article 7, Development Standards.

17-313.07. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

CHAPTER 17. ZONING.

ARTICLE 3. CONVENTIONAL DISTRICTS.

SECTION 17-314. PUBLIC SERVICE DISTRICT (S-1).

- Sec. 17-314.01. Definition.**
- Sec. 17-314.02. Requirements.**
- Sec. 17-314.03. Minimum Area.**
- Sec. 17-314.04. Water and Sewer.**
- Sec. 17-314.05. Land Uses.**
- Sec. 17-314.06. Development Standards.**
- Sec. 17-314.07. Area, Setback, and Height Standards.**

17-314.01. Definition.

This district provides areas for the location of certain types of public service facilities in support of development.

17-314.02. Requirements.

Facilities in the S-1 district shall be buffered from dissimilar land uses.

17-314.03. Minimum Area.

No minimum acreage shall be required for the S-1 district.

17-314.04. Water and Sewer.

- A. All uses requiring water service shall be served by public water where available.
- B. All uses requiring sewer treatment shall be served by public sewer where available.

17-314.05. Land Uses.

See Article 6, Land Uses.

17-314.06. Development Standards.

See Article 7, Development Standards.

17-314.07. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

CHAPTER 17, ZONING.

ARTICLE 4. PLANNED DEVELOPMENT DISTRICTS.

SECTION 17-400. PLANNED DEVELOPMENT DISTRICTS, GENERAL.

Sec. 17-400.01. Definition.

Sec. 17-400.02. Requirements.

17-400.01. Definition

- A. Although each planned development district has a distinct purpose, all provide the variety and flexibility in design necessary to implement the various goals and strategies set forth in the Comprehensive Plan or any other plan adopted by the County. Through unified development, these districts promote economical and efficient land use, improved levels of amenities, and greater creativity of design than generally realized in conventional districts. In view of these substantial public advantages, the following regulations are intended to encourage the planned development approach in areas with appropriate location and character.
- B. Planned development districts shall provide for the comfort and convenience of residents and visitors; facilitate the protection of the character of surrounding lands, neighborhoods, and adjacent rural areas; and ease internal traffic by reducing the distance between origins and destinations. Housing, commercial centers, service facilities, and places of employment shall be related by physical proximity and by adequate street networks in support of these objectives.

17-400.02. Requirements.

- A. The regulations in this Section 17-400 shall apply to the establishment and regulation of all planned development districts.
- B. A planned development district may be established within urban growth areas identified in the Comprehensive Plan or any other plan adopted by the County.
- C. Where appropriate, new buildings should be compatible in scale, mass, and form with adjacent structures and the pattern of the surrounding area.
- D. The project area shall be under unitary ownership or under unified control at the time of application. The holder of a written contract or option to purchase the land shall, for the purpose of such application, but not for the approval of any Final Plans, be deemed to be an owner of such land. Unified control may be established by, but is not limited to, the formation of an owners' association which shall have the authority to act as a single entity in application for rezoning and in the development of the planned development; covenants and restrictions, properly executed and recorded in the office of the Clerk of the Circuit Court of Rockingham County, which shall run with the land and insure all development will be in accordance with the master plan and any conditions and restrictions of the rezoning, or an agreement of all owners, properly executed and recorded in the office of the Clerk of the Circuit Court of Rockingham County, which shall insure all development will be in accordance with the master plan and any conditions and restrictions of the rezoning.

- E. Land within any one-hundred-year flood-plain, or otherwise subject to flooding, and land deemed topographically unsuitable shall not be platted for any use which may increase the danger to health, life, or property, or which may aggravate erosion or flood hazard. Such land within the project area shall be used as common area or other uses which would not be endangered by inundation or not produce conditions contrary to public welfare: green space, parking, trails, and picnic shelters that are completely open on all sides. No other structures shall be permitted. Filling of the flood plain for the purpose of constructing a building, other than picnic shelters, shall not occur, even if permitted by other agencies. Jurisdictional wetland areas should be left undisturbed and development should be restricted to areas outside the limits of these features as determined by the Army Corps of Engineers and the Virginia Department of Environmental Quality. If jurisdictional wetland areas must be disturbed or removed for development purposes, the wetland restoration shall occur within the same watershed to mitigate the effects of this loss.

CHAPTER 17, ZONING.

ARTICLE 4. PLANNED DEVELOPMENT DISTRICTS.

SECTION 17-401. PLANNED GROWTH DISTRICT (PG).

- Sec. 17-401.01. Definition.**
- Sec. 17-401.02. Requirements.**
- Sec. 17-401.03. District Status.**
- Sec. 17-401.04. Water and Sewer.**
- Sec. 17-401.05. Land Uses.**
- Sec. 17-401.06. Development Standards.**
- Sec. 17-401.07. Area, Setback, and Height Standards.**

17-401.01. Definition.

The PG district provides an area of transition between agricultural zones and the intensive residential, commercial, and industrial zones. The PG district applies to properties within the urban growth areas not platted for intensive development due to the low short-term prospects of the availability of community facilities and in consideration of existing land uses.

17-401.02. Requirements.

Because some portions of an urban growth area, as designated in the Comprehensive Plan or any other plan adopted by the County, may not develop in the near future, the permitted uses in the PG district shall not lessen the potential for the urban growth areas to eventually develop as planned.

17-401.03. District Status.

- A. Land zoned PG prior to October 1, 2014 shall comply with Section 17-401.
- B. No new PG district shall be created after October 1, 2014.

17-401.04. Water and Sewer.

- A. All uses requiring water service shall be served either by public water or, where public water is not available, by a private water supply.
- B. All uses requiring sewage treatment shall be served either by public sewer or, where public sewer is not available, by a conventional septic system or a private sewage treatment system.

17-401.05. Land Uses.

See Article 6, Land Uses.

17-401.06. Development Standards.

See Article 7, Development Standards.

17-401.07. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

CHAPTER 17. ZONING.

ARTICLE 4. PLANNED DISTRICTS.

SECTION 17-402. PLANNED SINGLE FAMILY DISTRICT (PSF)

- Sec. 17-402.01. Definition.**
- Sec. 17-402.02. Requirements.**
- Sec. 17-402.03. Minimum Area.**
- Sec. 17-402.04. Water and Sewer.**
- Sec. 17-402.05. Common Area.**
- Sec. 17-402.06. Land Uses.**
- Sec. 17-402.07. Development Standards.**
- Sec. 17-402.08. Area, Setback, and Height Standards.**

17-402.01. Definition.

The PSF district provides residential opportunities and common area in a planned neighborhood setting.

17-402.02. Requirements.

- A. The PSF district shall be located in urban growth areas as designated in the Comprehensive Plan or any other plan adopted by the County.
- B. All lots within the PSF district shall have public street frontage.

17-402.03. Minimum Area.

No minimum acreage shall be required for the PSF district.

17-402.04. Water and Sewer.

- A. All uses requiring water service shall be served by public water.
- B. All uses requiring sewage treatment shall be served by public sewer.

17-402.05. Common Area.

Common area shall comprise a minimum of fifteen percent (15%) of the total project area.

17-402.06. Land Uses.

See Article 6, Land Uses.

17-402.07. Development Standards.

See Article 7, Development Standards.

17-402.08. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

CHAPTER 17. ZONING

ARTICLE 4. PLANNED DEVELOPMENT DISTRICTS.

SECTION 17-403. PLANNED MULTIFAMILY DISTRICT (PMF).

- Sec. 17-403.01. Definition.**
- Sec. 17-403.02. Requirements.**
- Sec. 17-403.03. Minimum Area.**
- Sec. 17-403.04. Water and Sewer.**
- Sec. 17-403.05. Common Area.**
- Sec. 17-403.06. Land Uses.**
- Sec. 17-403.07. Development Standards.**
- Sec. 17-403.08. Area, Setback, and Height Standards.**

17-403.01. Definition.

The PMF district provides residential opportunities, common area, and commercial opportunities in a clustered development. While allowing for a variety of uses, this district is primarily residential.

17-403.02. Requirements.

- C. The PMF district shall be located in urban growth areas as designated in the Comprehensive Plan or any other plan adopted by the County.
- D. All nonresidential uses shall be compatible with the residential nature of the district.

17-403.03. Minimum Area.

No minimum acreage shall be required for the PMF district.

17-403.04. Water and Sewer.

- A. All uses requiring water service shall be served by public water.
- B. All uses requiring sewage treatment shall be served by public sewer.

17-403.05. Common Area.

Common area shall comprise a minimum of fifteen percent (15%) of the total project area.

17-403.06. Land Uses.

See Article 6, Land Uses.

17-403.07. Development Standards.

See Article 7, Development Standards.

17-403.08. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

CHAPTER 17. ZONING.

ARTICLE 4. PLANNED DEVELOPMENT DISTRICTS.

SECTION 17-404. PLANNED RESORT DISTRICT (R-4).

- Sec. 17-404.01. Definition.**
- Sec. 17-404.02. Requirements.**
- Sec. 17-404.03. Minimum Area.**
- Sec. 17-404.04. Water and Sewer.**
- Sec. 17-404.05. District Areas.**
- Sec. 17-404.06. Common Area.**
- Sec. 17-404.07. Land Uses.**
- Sec. 17-404.08. Development Standards.**
- Sec. 17-404.09. Area, Setback, and Height Standards.**

17-404.01. Definition.

The R-4 district permits master-planned, and generally self-contained, development that includes a variety of light commercial facilities within village centers, residential accommodations, and recreational facilities that cater to resort visitors and residents.

17-404.02. Requirements.

- A. Lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography, and provide convenient and safe access.
- B. Uses in the R-4 district shall be permissible only in the general location shown on the approved master plan.
- C. The use of any area within the R-4 district shall be shown on the final plan.

17-404.03. Minimum Area.

- A. The minimum acreage required for the R-4 district shall be five hundred contiguous acres of land.
- B. No minimum acreage shall be required for additions that form a logical extension of or adjoin an existing R-4 district.

17-404.04. Water and Sewer.

- A. All uses requiring water service shall be served by public water.

In the R-4 district, all uses requiring sewage treatment shall be served by public sewer.**17-404.05. District Areas.**

- A. Within the district, five (5) types of development areas shall be permitted.
 - 1. "A" Area: Single-family detached, accessory dwelling
 - 2. "B" Area: Single-family detached, accessory dwelling, duplexes, rowhouses
 - 3. "C" Area: Single-family detached, accessory dwelling, duplexes, rowhouses, apartments
 - 4. "D" Area: Timeshare: Single-family detached, accessory dwelling, duplexes, rowhouses, apartments
 - 5. "Village Center" Area: Hotel or motel units, commercial uses, apartments
- B. Village Centers shall be light commercial and office areas within which neighborhood- and resort-related commercial uses are located.
- C. Village Centers contain public uses which serve the social, cultural, and service needs of the community.
- D. Village Centers shall not exceed twenty percent (20%) of the total project area.

17-404.06. Common Area.

- A. Common area shall comprise a minimum of twenty-five percent (25%) of the total project area.
- B. A minimum of fifteen percent (15%) of the Village Center shall be common area.
- C. The Village Center shall have at least twenty-thousand (20,000) square feet in greens or plazas, with the primary or central green or plaza being at least ten thousand (10,000) square feet, and all others required to meet this minimum being at least two twenty-five hundred (2,500) square feet.
- D. The common area within the Village Center shall be considered a portion of the twenty-five percent (25%) common area required for the total project.

17-404.07. Land Uses.

See Article 6, Land Uses.

17-404.08. Development Standards.

See Article 7, Development Standards.

17-404.09. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

CHAPTER 17. ZONING.

ARTICLE 4. PLANNED DEVELOPMENT DISTRICTS.

SECTION 17-405. PLANNED NEIGHBORHOOD DISTRICT (R-5).

- Sec. 17-405.01. Definition.**
- Sec. 17-405.02. Requirements.**
- Sec. 17-405.03. Minimum Area.**
- Sec. 17-405.04. Water and Sewer.**
- Sec. 17-405.05. District Areas.**
- Sec. 17-405.06. Common Area.**
- Sec. 17-405.07. Land Uses.**
- Sec. 17-405.08. Development Standards.**
- Sec. 17-405.09. Area, Setback, and Height Standards.**

17-405.01. Definition.

The R-5 district provides opportunities for creative designs for the development of master-planned residential neighborhoods which differ from conventional suburban development. The R-5 district provides a variety of housing types and affordability; services and neighborhood-oriented businesses within neighborhood centers; parks and open space for recreation, conservation, or other common benefits; preservation of natural landscape features and amenities; transportation networks within the development that accommodate vehicles, bicycles, pedestrians, and, where appropriate, transit; and streets, sidewalks, and paths that interconnect internally and to adjoining properties. While allowing for a variety of uses, the R-5 district is primarily residential.

17-405.02. Requirements.

- A. The R-5 district shall be located in urban growth areas designated in the Comprehensive Plan or in any other area or corridor plan adopted by the county.
- B. All nonresidential uses shall be compatible with the residential nature of the district.
- C. Uses in the R-5 district shall be permissible only in the general location shown on the approved master plan;
- D. The use of any area within the R-5 district shall be shown on the final plan.
- E. Lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography, and provide convenient and safe access

17-405.03. Minimum Area.

- A. The minimum acreage required for the R-5 district shall be five (5) contiguous acres.
- B. No minimum acreage shall be required for additions that adjoin or form a logical extension of an existing R-5 district.

17-405.04. Water and Sewer.

- A. All uses requiring water service shall be served by public water.
- B. All uses requiring sewage treatment shall be served by public sewer.

17-405.05. District Areas.

- A. Within the district, five (5) types of development areas shall be permitted.
 - 1. "A" Area: Single-family detached, accessory dwelling
 - 2. "B" Area: Single-family detached, accessory dwelling, duplexes, rowhouses
 - 3. "C" Area: Single-family detached, accessory dwelling, duplexes, rowhouses, apartments
 - 4. "D" Area: Timeshare: Single-family detached, accessory dwelling, duplexes, rowhouses, apartments
 - 5. "Neighborhood Center" Area: Hotel or motel units, apartments
- B. Neighborhood Centers provide small-scale commercial development designed and built to ensure safe pedestrian and vehicular access internal to the site and to adjoining properties.
- C. Neighborhood Centers permit the community to meet the social, cultural, and service needs.
- D. Neighborhood Centers shall total no more than ten percent (10%) of the total project area.

17-405.06. Common Area.

- A. Common area shall comprise a minimum of twenty percent (20%) of the total project area.
- B. A minimum of fifteen percent (15%) of the Neighborhood Center shall be common area.
- C. The Neighborhood Center shall have at least twenty-thousand (20,000) square feet in greens or plazas. The primary or central green or plaza shall be at least ten thousand (10,000) square feet. All other greens or plazas designed to meet this minimum requirement shall be at least twenty-five hundred (2,500) square feet.
- D. The common area within the Neighborhood Center shall be considered a portion of the twenty percent (20%) common area required for the total project.

17-405.07. Land Uses.

See Article 6, Land Uses.

17-405.08. Development Standards.

See Article 7, Development Standards.

17-405.09. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

CHAPTER 17. ZONING.

ARTICLE 4. PLANNED DEVELOPMENT DISTRICTS.

SEC. 17-406. PLANNED MANUFACTURED HOME PARK DISTRICT (MHP).

- Sec. 17-406.01. Definition.**
- Sec. 17-406.02. Requirements.**
- Sec. 17-406.03. Minimum Area.**
- Sec. 17-406.04. Water and Sewer.**
- Sec. 17-406.05. Common Area.**
- Sec. 17-406.06. Land Uses.**
- Sec. 17-406.07. Development Standards.**
- Sec. 17-406.08. Area, Setback, and Height Standards.**

17-406.01. Definition.

The MHP district provides affordable residential opportunities in the form of planned manufactured home parks in locations where such uses are compatible with adjoining land uses.

17-406.02. Requirements.

- A. The MHP district shall be located in urban growth areas as designated in the Comprehensive Plan or any other plan adopted by the County.
- B. Lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for manufactured homes, be properly related to topography, and provide convenient and safe access.
- C. The MHP shall remain under unitary ownership or unified control.
- D. As part of the placement permit application, the manufactured home park shall submit a survey of the placement site with straight reference lines delineated on all sides of the placement site showing a ten (10) foot clear zone on all sides of the manufactured home. No encroachment of the primary structure, steps, landings, porches, decks, accessory buildings, or any other structural additions shall be allowed within the clear zone.

17-406.03. Minimum Area.

The MHP district designation shall require a minimum of ten (10) contiguous acres. Additions that adjoin or form a logical extension of an existing MHP district shall require no minimum acreage.

17-406.04. Water and Sewer.

- A. All uses requiring water service shall be served by public water.
- B. All uses requiring sewage treatment shall be served by public sewer.

17-406.05. Common area.

Common area shall comprise a minimum of ten percent (10%) of the total project area.

17-406.06. Land Uses.

See Article 6, Land Uses.

17-406.07. Development Standards.

See Article 7, Development Standards.

17-406.08. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

CHAPTER 17. ZONING.

ARTICLE 4. PLANNED DEVELOPMENT DISTRICTS.

SECTION 17-407. MIXED USE DISTRICT (MXU).

- Sec. 17-407.01. Definition.**
- Sec. 17-407.02. Requirements.**
- Sec. 17-407.03. Minimum Area.**
- Sec. 17-407.04. Water and Sewer.**
- Sec. 17-407.05. Common Area.**
- Sec. 17-407.06. Mixed Use Core.**
- Sec. 17-407.07. Land Uses.**
- Sec. 17-407.08. Development Standards.**
- Sec. 17-407.09. Area, Setback, and Height Standards.**

17-407.01. Definition.

- A. The MXU district to allows the development of new neighborhoods that contain a mix of land uses and building types that are connected by a system of pedestrian-friendly streets, including sidewalks, trails, and usable open spaces, and that form a built environment similar to historic small towns and villages.
- B. The specific purposes of the MXU district are to promote compact development with clear edges and a distinct neighborhood core; buildings and streets that have a sense of human scale and are pedestrian-oriented; a mix of residential, commercial, civic, and open space uses located close to one another; a mix of housing styles, types, and sizes to accommodate a full range of ages and incomes; a system of interconnected streets, with sidewalks and bikeways, to provide multiple modes and routes of travel; preservation and adaptive use of existing and historic buildings; preservation of significant environmental features and incorporation of them into the design of new neighborhoods; and the goals and policies of the County's Comprehensive Plan or any other plan adopted by the County.

17-407.02. Requirements.

- A. The MXU district shall be located in urban growth areas as designated in the Comprehensive Plan or any other plan adopted by the county.
- B. The MXU district shall be divided into two (2) designated sub-areas:
 - 1. Mixed-Use Core, which shall consist of a contiguous land area; and
 - 2. Residential Neighborhood, which may be a contiguous land area or may be separated by all or a portion of the Mixed-Use Core.
 - 3. No structure within the Residential Neighborhood shall be located more than fifteen hundred (1500) feet from the edge of any Mixed-Use Core.

- C. Not more than seventy-five percent (75%) of the Residential Neighborhood shall be developed and constructed prior to at least fifty percent (50%) of the Mixed-Use Core being developed and constructed.
- D. Drive-through facilities and other vehicular access points to commercial properties shall be designed to minimize conflict with the pedestrian travelways to the greatest extent possible.

17-407.03. Minimum Area.

- A. The minimum acreage required for the MXU district shall be thirty (30) contiguous acres.
- B. No minimum acreage shall be required for additions that adjoin or form a logical extension of an existing MXU district.
- C. Additional land may be added to an existing MXU district if the additional land is under single ownership or unified control. The additional land need not be under the same ownership as the existing MXU district to which it is being added, but it must complement the existing MXU district in form and function, and must have its own POA or be formally joined to the existing POA. For the purpose of this subsection, a public road does not prevent lands being considered as adjoining.
 - 1. Additions to the MXU district must be designated as either Mixed-Use Core or as Residential Neighborhood subareas. Any addition must not cause the district to be in conflict with the overall proportions of these two subarea designations or with any other quantitative requirements for streets, land uses, dwellings, or other such elements.
 - 2. Any addition to the district must be connected to the original district in accord with the connectivity standards and purposes of the district for pedestrian and motor vehicle access.

17-407.04. Water and Sewer.

- A. All uses requiring water service shall be served by public water.
- B. All uses requiring sewage treatment shall be served by public sewer.

17-407.05. Common Area.

- A. Common area shall comprise a minimum of twenty percent (20%) of the total project area.
- B. A minimum of five percent (5%) of the total project area shall be comprised of plazas and greens.
- C. A minimum of fifteen percent (15%) of the Mixed-Use Core shall be common area.
- D. The Mixed-Use Core shall have at least twenty thousand (20,000) square feet in greens or plazas, with the primary or central green or plaza being at least ten thousand (10,000) square feet, and all others required to meet this minimum being at least twenty-five hundred (2,500) square feet.

- E. The common area within the Mixed-Use Core shall be considered a portion of the twenty percent (20%) common area required for the total project.

17-407.06. District Areas.

- A. The Mixed Use Core shall be not less than five percent (5%) and not more than forty percent (40%) of the total project area.
 - 1. The core may include a mixture of commercial uses (which may include retail, office, personal service, or institutional), residential uses (which may include apartments and rowhouse units), and open space uses (which may include parks, greens, or plazas). Commercial uses as defined shall not be less than five percent (5%) of the total project area.
 - 2. Buildings may have a mixture of uses including commercial space on the lower levels, office space on the middle levels, and residential space on the upper levels.
 - 3. The first floor commercial space shall have a minimum interior height (finished floor to finished ceiling) of fourteen (14) feet to a depth of at least fifty (50) feet on the side(s) of the building with street frontage.
 - 4. In all cases, building setbacks shall be designed so as to achieve the purpose and intent of the district to create streets that are framed by buildings and thus comfortable for pedestrians.
 - 5. Mixed-use structures and apartment buildings shall not have front-loaded garages or front driveway access. Rowhouses shall not have front-loaded garages and front driveway access.
 - 6. Each rowhouse unit shall have a stoop or porch serving the entrance on the front façade. Such stoop or porch must be at least thirty (30) inches above the grade at the front façade.
- B. The Residential Neighborhood shall comprise the remainder of the project area.
 - 1. At least two (2) types of residential units shall be provided, neither of which shall constitute less than twenty percent (20%) of the total units at the time of approval.
 - 2. At least sixty percent (60%) of the land area within the residential neighborhood shall be devoted to residential uses.
 - 3. One (1) accessory dwelling unit is permitted on any single family detached (SFD) lot. Such accessory dwelling may be contained within the primary structure or may be in an accessory structure. The interior space of an accessory dwelling unit shall not exceed eight hundred (800) square feet.
 - 4. Building requirements for Residential Neighborhood.
 - a. Front-loaded garages and front driveway access to single-family detached and duplex dwellings shall be provided to no more than twenty percent (20%) of the total number of all dwelling units in the Residential Neighborhood.

- b. Front-loaded garages and front driveway access are prohibited for single-family attached dwellings, except for dead-end street segments, or unique characteristics such as severe topographical constraints make rear access impossible.

17-407.07. Land Uses.

See Article 6, Land Uses.

17-407.08. Development Standards.

See Article 7, Development Standards.

17-407.09. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

CHAPTER 17. ZONING.

ARTICLE 4. PLANNED DEVELOPMENT DISTRICTS.

SECTION 17-408. PLANNED COMMERCIAL DEVELOPMENT DISTRICT (PCD).

- Sec. 17-408.01. Definition.**
- Sec. 17-408.02. Requirements.**
- Sec. 17-408.03. Minimum Area.**
- Sec. 17-408.04. Water and Sewer.**
- Sec. 17-408.05. Common Area.**
- Sec. 17-408.06. Land Uses.**
- Sec. 17-408.07. Development Standards.**
- Sec. 17-408.08. Area, Setback, and Height Standards.**

17-408.01. Definition.

The PCD district encompasses a broad range of retail and office uses with limited residential uses under a unified plan.

17-408.02. Requirements.

- A. The PCD district shall be located in urban growth areas as designated in the Comprehensive Plan or any other plan adopted by the county.
- B. At least sixty percent (60%) of the total project area shall include a commercial component.

17-408.03. Minimum Area.

- A. The minimum acreage required for the PCD district shall be five (5) acres.
- B. No minimum acreage shall be required for additions that form a logical extension or addition to an existing PCD district.

17-408.04. Water and Sewer.

- A. All uses requiring water service shall be served by public water.
- B. All uses requiring sewage treatment shall be served by public sewer.

17-408.05. Common Area.

- A. Common area shall comprise a minimum of fifteen percent (15%) of the total project area.
- B. The PCD district shall have at least twenty-thousand (20,000) square feet in greens or plazas, with the primary or central green or plaza being at least ten thousand (10,000) square feet, and all others required to meet this minimum being at least twenty-five hundred (2,500) square feet.

17-408.06. Land Uses.

See Article 6, Land Uses.

17-408.07. Development Standards.

See Article 7, Development Standards.

17-408.08. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

CHAPTER 17. ZONING.

ARTICLE 4. PLANNED DEVELOPMENT DISTRICTS.

SECTION 17-409. PLANNED MEDICAL AND RESEARCH DISTRICT (PMR).

- Sec. 17-409.01. Definition.**
- Sec. 17-409.02. Requirements.**
- Sec. 17-409.03. Minimum Area.**
- Sec. 17-409.04. Water and Sewer.**
- Sec. 17-409.05. Common Area.**
- Sec. 17-409.06. Land Uses.**
- Sec. 17-409.07. Development Standards.**
- Sec. 17-409.08. Area, Setback, and Height Standards.**

17-409.01. Definition.

The PMR zoning district provides opportunities for a mix of medical or industrial research, with institutional, commercial, and limited residential development that is designed preserve neighborhood integrity and promote healthy economic development with an emphasis on internal connections and access, natural characteristics, and open space preservation. Development may draw from the historic development of the County's towns and villages typified by a high density of mixed uses, a pedestrian scale, and recognizable themes and patterns that evolve over time. Alternately, development may follow a campus style where building clusters are organized according to landscape forms, architectural forms, and the liberal use of landscaping and common area.

17-409.02. Requirements.

- A. The PMR district shall be located in urban growth areas as designated in the Comprehensive Plan or any other plan adopted by the county.
- B. The PMR district shall permit research facilities, pilot plants, prototype production facilities, and manufacturing operations requiring a high degree of continual or recurrent application of scientific input and activity as an integral part of the industrial and manufacturing process.
- C. The PMR district shall include a variety of support services and housing associated with the Planned Medical and Research District.
- D. Where appropriate, new buildings shall be compatible in scale, mass, and form with adjacent structures and the pattern of the surrounding area.
- E. Lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography.
- F. Roadways, pedestrian and bicycle routes, and parking shall be designed to establish safe and efficient access internally and to adjoining properties and streets.

17-409.03. Minimum Area.

The PMR district designation shall require a minimum of five (5) contiguous acres. Additions that adjoin or form a logical extension of an existing PMR district shall require no minimum acreage.

17-409.04. Water and Sewer.

- A. All uses requiring water service shall be served by public water.
- B. All uses requiring sewage treatment shall be served by public sewer.

17-409.05. Common Area.

- A. Common area shall comprise a minimum of fifteen percent (15%) of the total project area.
- B. The PMR district shall have at least twenty-thousand (20,000) square feet in greens or plazas, with the primary or central green or plaza being at least ten thousand (10,000) square feet, and all others required to meet this minimum being at least twenty-five hundred (2,500) square feet.

17-409.06. Land Uses.

See Article 6, Land Uses.

17-409.07. Development Standards.

See Article 7, Development Standards.

17-409.08. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

CHAPTER 17. ZONING

ARTICLE 4. PLANNED DEVELOPMENT DISTRICTS.

SECTION 17-410. PLANNED INDUSTRIAL DEVELOPMENT DISTRICT (PID).

- Sec. 17-410.01. Definition.**
- Sec. 17-410.02. Requirements.**
- Sec. 17-410.03. Minimum Area.**
- Sec. 17-410.04. Water and Sewer.**
- Sec. 17-410.05. Common Area.**
- Sec. 17-410.06. Land Uses.**
- Sec. 17-410.07. Development Standards.**
- Sec. 17-410.08. Area, Setback, and Height Standards.**

17-410.01. Definition.

The PID District permits development with a broad range of industrial uses under a unified plan.

17-410.02. Requirements.

- A. The PID district shall be located on major highways designated as an Urban Growth Area in the Comprehensive Plan or Community Industrial Center in the McGaheysville Area Plan.
- B. In recognition that such development may substantially reduce the functional integrity and safety of public roads, if permitted with unplanned access development and access shall be oriented toward an internal road system having carefully planned intersections with existing public roads.
- C. Lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography, and provide convenient and safe access

17-410.03. Minimum Area.

- A. The minimum acreage required for PID districts shall be five (5) acres.
- B. No minimum acreage shall be required for additions that form a logical extension or addition to the existing PID district.

17-410.04. Water and Sewer.

All uses requiring water service shall be served by public water.

All uses requiring sewage treatment shall be served by public sewer.

17-410.05. Common Area.

Common area shall comprise a minimum of five percent (5%) of the total project area.

17-410.06. Land Uses.

See Article 6, Land Uses.

17-410.07. Development Standards.

See Article 7, Development Standards.

17-410.08. Area, Setback, and Height Standards.

See Article 8, Area, Setback, and Height Standards.

CHAPTER 17. ZONING.

ARTICLE 5. OVERLAY DISTRICTS.

SECTION 17-501. AIRPORT SAFETY OVERLAY DISTRICT.

Sec. 17-501.01. Purpose and Authority.

Sec. 17-501.02. Airport Safety Zones.

Sec. 17-501.03. Airport Safety Zone Height Limitations.

Sec. 17-501.04. Use Restrictions.

Sec. 17-501.05. Nonconforming Uses.

Sec. 17-501.06. Permits.

17-501.01. Purpose and Authority.

- A. This ordinance regulates and restricts the height of structures and objects or natural growth, and otherwise incidentally regulates the use of property in the vicinity of the airports in Rockingham County by:
 1. creating the appropriate zones and establishing the boundaries thereof;
 2. providing for changes in the restrictions and boundaries of such zones;
 3. defining certain terms used herein;
 4. providing for enforcement;
 5. and imposing penalties.
- B. The ordinance is adopted pursuant to the authority conferred by Title 15.2-2293 through 15.2-2295 of the Code of Virginia, 1950, as amended.
 1. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the airports and residents in Rockingham County; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airports and the public investment therein.
 2. Accordingly, it is declared that:
 - a. it is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of obstructions that are hazards to air navigation be prevented;
 - b. the creation or establishment of an obstruction has the potential for being a public nuisance and may injure the area served by the airports;
 - c. Rockingham County derives economic development and enhanced interstate commerce from airports in the County and adjoining jurisdictions that are held strictly to the highest possible safety standards; and

- d. the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- C. This ordinance shall be known and may be cited as the Rockingham County Airport Safety Overlay District.

17-501.02. Airport Safety Zones.

- A. In order to carry out the provisions of this ordinance, there are hereby established certain zones which include all of the area and airspace of Rockingham County lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the airport.
- B. These zones are established as overlay zones, superimposed over the existing base zones, being more specifically zones of airspace that do not affect the uses and activities of the base zones except as provided for in this chapter.
- C. An area located in more than one of the following zones is considered to be only in the zone with the most restrictive height limitation.
- D. These zones are as follows:
 - 1. Airport zone: A zone that is centered about the runway and primary surface, with the floor set by the horizontal surface.
 - 2. Approach zone: A zone that extends away from the runway ends along the extended runway centerline, with the floor set by the approach surfaces.
 - 3. Transitional zone: A zone that fans away perpendicular to the runway centerline and approach surfaces, with the floor set by the transitional surfaces.
 - 4. Conical zone: A zone that circles around the periphery of and outward from the horizontal surface, with the floor set by the conical surface.
 - 5. The source of the specific geometric standards for these zones for Shenandoah Valley Regional Airport are found in Part 77.25, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, as amended from time to time, or in successor federal regulations.
 - 6. The source of the specific geometric standards for these zones for Bridgewater Air Park, New Market Airport, and Shenandoah Valley Regional Airport are found in 24 Virginia Administrative Code 5-20-140, as amended from time to time, or in successor State regulation.

17-501.03. Airport Safety Zone Height Limitations.

- A. Except as otherwise provided in this ordinance, in any zone created by this ordinance, no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface, known as the floor, of any zone provided for in this chapter at any point.

- B. The height restrictions, or floors, for the individual zones shall be those planes delineated as surfaces in Part 77.25, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, as amended from time to time, or in successor federal regulations.
- C. The source of the specific geometric standards for these zones for Bridgewater Air Park, New Market Airport, and Shenandoah Valley Regional Airport are found in 24 Virginia Administrative Code 5-20-140, as amended from time to time, or in successor State regulation.
- D. The Zoning Administrator shall maintain in the Department of Community Development maps for each airport designating the Airport Safety Zones and such other information deemed necessary by the Zoning Administrator for the interpretation and enforcement of this Airport Safety Ordinance.

17-501.04. Use Restrictions.

Notwithstanding any other provision of this ordinance, and within the area below the horizontal limits of any zone established by this ordinance, no use may be made of land or water in such a manner as to:

- A. Create electrical interference with navigational signals or radio communication between the airport and airborne aircraft;
- B. Diminish the ability of pilots to distinguish between airport lights and other lights;
- C. Result in glare in the eyes of pilots using the airport;
- D. Impair visibility in the vicinity of the airport;
- E. Create the potential for bird strike hazards; or
- F. Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

17-501.05. Valid Nonconforming Uses.

- A. Except as provided in subsection (C) below, the regulations prescribed by this ordinance shall not require the removal, lowering, or other change or alteration of any structure or vegetation valid at the time of establishment but not conforming to the regulations as of October 1, 2014, or otherwise interfere with the continuance of a valid nonconforming use.
- B. Nothing contained in Section 17-501 shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to October 1, 2014.
- C. Notwithstanding the provisions of subsection (A) above, the owner of any existing valid nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the Zoning Administrator to indicate to operators of aircraft the presence of that airport obstruction. Markers and lights shall be installed, operated, and maintained at the expense of the owner

of the airport affected by such nonconforming structure or vegetation, and not the owner of the valid nonconforming structure or vegetation in question.

17-501.06. Permits.

- A. Except as provided in this ordinance, no structure shall be erected or otherwise established in any zone created by this ordinance unless a permit therefor shall have been granted.
 - 1. Each application for a permit shall indicate the purpose for which it is desired and shall include sufficient geometric specificity to determine whether the resulting structure would conform to the regulations prescribed in this ordinance.
 - 2. No permit for a structure inconsistent with Section 17-501 shall be granted unless a variance has been approved as provided in subsection (D) below.
- B. No permit shall be granted that allows the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on October 1, 2014 or any amendments thereto other than with relief as provided for in subsection (D) below.
- C. Whenever the Zoning Administrator determines that a nonconforming structure has been abandoned or more than fifty percent destroyed, physically deteriorated, or decayed, no permit shall be granted that would enable such structure to be rebuilt, reconstructed, or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the zoning regulations contained in this ordinance, except with the relief as provided for in subsection (D) below.
- D. Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in Section 17-501 may apply for a variance as prescribed in Article 10, Procedures.
 - 1. Such application shall be properly advertised and be reviewed and considered through a public hearing in accordance with applicable zoning laws and ordinances.
 - 2. The application for a variance shall be accompanied by a determination from the Virginia Department of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.
 - 3. Such variances shall only be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will do substantial justice and be in accordance with the spirit of Section 17-501, and will neither be contrary to the public interest nor create a hazard to air navigation.
 - 4. Additionally, no application for a variance to the requirements of Section 17-501 may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the owner of the airport affected thereby for advice as to the aeronautical effects of the variance.
 - 5. If such airport owner does not respond to the application within fifteen days after receipt, the Board of Zoning Appeals may act independent of the airport owner's position to grant or deny the variance.

- E. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of Section 17-501 and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the Zoning Administrator.
- F. If deemed proper with reasonable cause by the Board of Zoning Appeals, this condition may be modified to require the owner of the structure in question to permit the airport owner, at his own expense, to install, operate, and maintain the necessary markings and lights.

CHAPTER 17. ZONING

ARTICLE 5. OVERLAY DISTRICTS

SECITON 17-502. CROSS KEYS NORTH AGRICULTURAL AND FORESTAL DISTRICT.

Sec. 17-502.01 Creation.

Sec. 17-502.02. Description.

Sec. 17-502.03. Conditions.

Sec. 17-502.04. Term Review.

17-502.01. Creation.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Cross Keys North Agricultural and Forestal District (hereinafter referred to as district) is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by sections 15.2-4300—15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

17-502.02. Description.

The Cross Keys North Agricultural and Forestal District is comprised of seventeen (17) parcels spanning seven hundred and nine (709) acres with a core area centered at the intersection of Cross Keys Road and Port Republic Road. The northern portion of the district lies just north of Congers Creek abutting Lake Shenandoah and stretches to the headwaters of Spring Branch just east of Cross Keys Road (Route 276) in the southern portion of the district. In the western portion of the district, an outlying parcel of the district is located south of Pleasant Valley Road (Route 679) and west of North Whitesel Church Road (Route 681) The following parcels shown on county real estate maps, as of the effective date of the district, are numbered as:

126-(A)- L55, 139-(1)- L1A, 139-(A)- L69, 139-(A)- L74B, 139-(A)- L114, 139-(A)- L118, 139-(A)- L119, 139-(A)- L120B1, 139-(A)- L120B2, 139-(A)- L120B2A, 139-(A)- L135, 139-(A)- L146, 139-(A)- L147, 139-(A)- L148F, 139A-(2)- LC, 140-(A)- L3, and 140-(A)- L4.

17-502.03. Conditions.

The intent of these conditions is to strengthen the existing agricultural community in order to ensure its continued economic viability. The Cross Keys North Agricultural and Forestal District shall comply with the following conditions:

- A. Uses, structures, and accessory businesses shall be permitted on a parcel in compliance with the regulations that apply to the zoning of that parcel.
- B. All parcels included in the district must be located fully within the district; no portion of a district parcel shall lie outside the district.
- C. Parcels of land, as now defined in the county real estate records, within the district may be sold in their entirety but not subdivided to a non-family member during the term of district

status. However, the parcel under new ownership shall remain in district status at least until the time of the next scheduled district renewal.

- D. Parcels of land, as now defined in the county real estate records, within the district may only be subdivided by purchase or gift to immediate family members. However, this family subdivision shall remain in district status for at least as long as the parent parcel remains in the district.
- E. Residences for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of the immediate family of the owner, shall be permitted in accordance with the county Code.

17-502.04. Term Review.

The district shall be in effect for seven (7) years, from April 26, 2008, to April 26, 2015. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with sections 15.2-4309 through 15.2-4312 of the Code of Virginia.

CHAPTER 17. ZONING.

ARTICLE 5. OVERLAY DISTRICTS.

SECITON 17-503. CROSS KEYS SOUTH AGRICULTURAL AND FORESTAL DISTRICT.

Sec. 17-503.01. Creation.

Sec. 17-503.02. Description.

Sec. 17-503.03. Conditions.

Sec. 17-503.04. Term Review.

17-503.01. Creation.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Cross Keys South Agricultural and Forestal District (hereinafter referred to as district) is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by sections 15.2-4300—15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

17-503.02. Description.

The Cross Keys South Agricultural and Forestal District shall consist of the following land: sixty-two (62) parcels spanning some one thousand, two hundred thirty-nine (1,239) acres with a core area centered at the intersection of Mill Creek Church Road and Latimer Road. In the north, several district parcels are clustered east of Cross Keys Road (Route 276) near its intersection with Williams Run Road (Route 671). This area is very close to the southern end of Cross Keys North Agricultural-Forestal District. In the south along Cross Keys Road (Route 276) the district extends to an area between Timber Ridge Road (Route 668) and Faughts Road (Route 678). The district extends more in an east-west orientation than north-south. Thus, the eastern boundary of the district is along Port Republic Road south of Doe Hill Road (Route 671). The western-most boundary of the district is the western edge of a parcel west of Cross Keys Road, parcel 139-(A)- L47C. The following parcels shown on county real estate maps, as of the effective date of this district, are part of the Cross Keys South District and numbered as:

139-(3)- L1, 139-(3)- L2, 139-(3)- L3, 139-(3)- L4, 139-(3)- L6, 139-(3)- L7, 139-(3)- L8, 139-(3)- L9, 139-(3)- L12, 139-(A)- L46, 139-(A)- L47C, 139-(A)- L52A, 139-(A)- L52B, 139-(A)- L52C, 139-(A)- L52D, 139-(A)- L53, 139-(A)- L55A, 139-(A)- L55A1, 139-(A)- L57, 139-(A)- L57A, 139-(A)- L57C, 139-(A)- L57D, 139-(A)- L148B, 139-(A)- L148C, 139-(A)- L149A, 139-(A)- L149B, 139-(A)- L150A, 139-(A)- L150A1, 139-(A)- L155, 139-(A)- L158, 139-(A)- L158A, 139-(A)- L160C, 139-(A)- L163, 139-(A)- L163B, 139-(A)- L168, 139-(A)- L168A, 140-(A)- L59, 140-(A)- L59A, 140-(A)- L62, 140-(A)- L63, 151-(5)- L1A, 151-(5)- L5, 151-(A)- L5, 151-(A)- L7, 151-(A)- L8, 151-(A)- L9C, 151-(A)- L80, 151-(A)- L81, 151-(A)- L82, 151-(A)- L82A, 151-(A)- L82A1, 151-(A)- L94, 152-(7)- L4, 152-(A)- L1, 152-(A)- L6, 152-(A)- L7, 152-(A)- L8, 152-(A)- L9, 152-(A)- L56, 152-(A)- L58, 152-(A)- L58E, and 152-(A)- L61B.

17-503.03. Conditions.

The intent of these conditions is to strengthen the existing agricultural community in order to ensure its continued economic viability. The Cross Keys South Agricultural and Forestal District shall comply with the following conditions:

- A. Uses, structures, and accessory businesses shall be permitted on a parcel in compliance with the regulations that apply to the zoning of that parcel.
- B. All parcels included in the district must be located fully within the district; no portion of a district parcel shall lie outside the district.
- C. Parcels of land, as now defined in the county real estate records, within the district may be sold in their entirety but not subdivided to a nonfamily member during the term of district status. However, the parcel under new ownership shall remain in district status at least until the time of the next scheduled district renewal.
- D. Parcels of land, as now defined in the county real estate records, within the district may only be subdivided by purchase or gift to immediate family members. However, this family subdivision shall remain in district status for at least as long as the parent parcel remains in the district.
- E. Residences, for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property or for members of the immediate family of the owner, shall be permitted in accordance with Chapter 17.

17-503.04. Term Review.

The district shall be in effect for seven (7) years, from April 26, 2008 to April 26, 2015. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with, Sections 15.2-4309 through 15.2-4312, of the Code of Virginia.

CHAPTER 17. ZONING.

ARTICLE 5. OVERLAY DISTRICTS.

SECTION 17-504. DRY RIVER AGRICULTURAL AND FORESTAL DISTRICT.

Sec. 17-504.01. Creation.

Sec. 17-504.02. Description.

Sec. 17-504.03. Conditions.

Sec. 17-504.04. Term Review.

17-504.01. Creation.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Dry River Agricultural-Forestal District (hereinafter referred to as district) is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by §§ 15.2-4300 through 15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

17-504.02. Description.

The Dry River Agricultural and Forestal District shall consist of the following land: two hundred fifty-nine (259) parcels spanning six thousand, four hundred forty-six (6,446) acres, generally located south of Hinton, west of John Wayland Highway (Rt. 42), east of Ottobine, and north of the Town of Bridgewater, which includes the parcels shown on Rockingham County Real Estate Maps, as of the effective date of this district, numbered as:

90-(A)- L135, 90-(A)- L136, 90-(A)- L137, 91-(8)- L1, 91-(8)- L1A, 91-(8)- L2, 91-(8)- L3, 91-(A)- L69, 91-(A)- L71, 91-(A)- L81, 91-(A)- L214A, 104-(2)- L1, 104-(2)- L1F, 104-(2)- L1G, 104-(A)- L96, 104-(A)- L149A, 104-(A)- L149C, 104-(A)- L152, 105-(2)- L1, 105-(2)- L2, 105-(A)- L51, 105-(A)- L65A, 105-(A)- L66A, 105-(A)- L66B, 105-(A)- L67, 105-(A)- L69, 105-(A)- L70, 105-(A)- L71, 105-(A)- L72, 105-(A)- L76, 105-(A)- L82D, 105-(A)- L115E, 105-(A)- L121, 105-(A)- L122, 105-(A)- L148, 105-(A)- L149, 105-(A)- L149A, 105-(A)- L150, 105-(A)- L150A, 105-(A)- L151, 105-(A)- L152, 105-(A)- L153, 105-(A)- L154, 105-(A)- L155, 105-(A)- L156, 105-(A)- L164, 105-(A)- L165, 105-(A)- L167, 105-(A)- L169, 105-(A)- L171, 105-(A)- L172A, 105-(A)- L172B1, 105-(A)- L172C, 105-(A)- L173, 105-(A)- L173A, 105-(A)- L175, 105-(A)- L176, 105-(A)- L177, 105-(A)- L178A, 105-(A)- L178B, 105-(A)- L183F, 105-(A)- L189B, 105-(A)- L190, 105-(A)- L191, 106-(1)- L1, 106-(1)- L2, 106-(1)- L2B, 106-(1)- L2B1, 106-(A)- L2A, 106-(A)- L2A1, 106-(A)- L3, 106-(A)- L4, 106-(A)- L6, 106-(A)- L10, 106-(A)- L17, 106-(A)- L18, 106-(A)- L21, 106-(A)- L25, 106-(A)- L25A, 106-(A)- L27, 106-(A)- L28, 106-(A)- L30, 106-(A)- L31, 106-(A)- L32, 106-(A)- L33, 106-(A)- L33A, 106-(A)- L34A, 106-(A)- L35, 106-(A)- L35A, 106-(A)- L36, 106-(A)- L37, 106-(A)- L45, 106-(A)- L46, 106-(A)- L46B, 106-(A)- L47, 106-(A)- L47A, 106-(A)- L48, 106-(A)- L49, 106-(A)- L49A, 106-(A)- L52A1, 106-(A)- L53, 106-(A)- L62A, 106-(A)- L62B, 106-(A)- L62D, 106-(A)- L62F, 106-(A)- L63A, 106-(A)- L63B, 106-(A)- L69, 106-(A)- L70, 106-(A)- L70A, 106-(A)- L71, 106-(A)- L72, 106-(A)- L73, 106-(A)- L74, 106-(A)- L75, 106-(A)- L75A, 106-(A)- L76, 106-(A)- L80, 106-(A)- L80A, 106-(A)- L80B, 106-(A)- L91, 106-(A)- L92, 106-(A)- L93, 106-(A)- L94, 106-(A)- L95, 106-(A)- L96, 106-(A)- L97, 106-(A)- L98, 106-(A)- L98A, 106-(A)- L99A, 106-(A)- L101, 106-(A)- L101A, 106-(A)- L105, 106-(A)- L107, 106-(A)- L108, 106-(A)- L120, 106-(A)- L121, 106-(A)- L124, 106-(A)- L127,

106-(A)- L127B, 106-(A)- L128, 106-(A)- L128A, 106-(A)- L129, 106-(A)- L130, 106-(A)- L132, 106-(A)- L132A, 106-(A)- L133, 106-(A)- L134, 106-(A)- L136, 106-(A)- L136B, 106-(A)- L137, 106-(A)- L140, 106-(A)- L141, 106-(A)- L141A, 106-(A)- L142, 106-(A)- L144, 106-(A)- L146, 106-(A)- L147, 106-(A)- L148, 106-(A)- L149, 106-(A)- L149B, 106-(A)- L150A, 106-(A)- L151, 106-(A)- L152, 106-(A)- L153, 107-(A)- L2A6, 107-(A)- L82, 107-(A)- L83, 107-(A)- L85, 107-(A)- L86, 107-(A)- L88, 107-(A)- L88B, 107-(A)- L90, 107-(A)- L91, 107-(A)- L91LE, 107-(A)- L92, 107-(A)- L95, 107-(A)- L96, 107-(A)- L98, 107-(A)- L100, 107-(A)- L102, 107-(A)- L103, 107-(A)- L104C, 107-(A)- L105, 107-(A)- L106, 107-(A)- L107, 107-(A)- L107A, 107-(A)- L108, 107-(A)- L109, 107-(A)- L112, 107-(A)- L116, 107-(A)- L117, 107-(A)- L118, 107-(A)- L122A1, 107-(A)- L123A, 107-(A)- L130B, 107-(A)- L131, 107-(A)- L133A, 107-(A)- L144B, 107-(A)- L149, 107-(A)- L150, 122-(4)- L1, 122-(4)- L1A, 122-(4)- L2, 122-(4)- L3A, 122-(4)- L4B, 122-(4)- L5, 122-(5)- L1, 122-(5)- L2, 122-(5)- L3, 122-(A)- L1, 122-(A)- L1C, 122-(A)- L28, 122-(A)- L33, 122-(A)- L34A, 122-(A)- L77, 122-(A)- L78, 122-(A)- L80, 122-(A)- L85, 122-(A)- L85A, 122-(A)- L85B, 122-(A)- L87, 122-(A)- L88, 122-(A)- L94B, 122-(A)- L94B1, 122-(A)- L94B2, 122-(A)- L98, 122-(A)- L104, 122-(A)- L107A, 122-(A)- L107B, 122-(A)- L109, 122-(A)- L110, 122-(A)- L111, 122-(A)- L114, 122-(A)- L132, 122-(A)- L133, 122-(A)- L134, 122-(A)- L136, 122-(A)- L137, 122-(A)- L142, 122-(A)- L144, 122-(A)- L144A1, 122-(A)- L144A2, 122-(A)- L145, 122-(A)- L145A, 122-(A)- L145B, 122-(A)- L145C, 122-(A)- L147A, 122-(A)- L148, 122-(A)- L148A, 122-(A)- L149, 122-(A)- L150, 123-(1)- L1, 123-(1)- L1B, 123-(1)- L2C, 123-(A)- L8, 123-(A)- L8A, and 123-(A)- L24.

17-504.03. Conditions.

- A. District landowners recognize that some of the land parcels included in the district may be in the Town of Dayton; or in the designated growth areas of Dayton, Bridgewater, or the county, as indicated in the comprehensive plans of both towns and of the county; or in the agreements defining annexation rights between the county and the Towns of Dayton and Bridgewater. Also, some parcels may be within the Harrisonburg Area Transportation Study plan area.
- B. The Dry River Agricultural-Forestal District shall comply with Chapter 16 and with the Code of Virginia ,Sections 15.2-4300 through 15.2-4314 .
- C. Parcels of land owned by sole owners, co-owners, partnerships, trusts, corporations, or limited liability companies shall be eligible for inclusion in this agricultural and forestal district as long as all owners, or their designated representatives, sign the application indicating their desire that the parcel be included in the district.
- D. Any new nonagricultural or nonforestal uses and/or buildings, including dwellings, shall be in compliance with the following:
 - 1. The uses shall be located on property where there is an ongoing agricultural or forestal operation that qualifies for land use taxation.
 - 2. The use shall be permitted to operate only as long as the agricultural or forestal operation continues on the property.
 - 3. Construction of a dwelling shall be for: (1) persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or (2) members of the immediate family of the owner.

4. Construction of community churches, with or without adjunctive cemeteries and/or church-related private schools shall be permitted. Land for this purpose may be transferred by gift or purchase from district landowners.
- E. Parcels of land (as now defined on the Rockingham County real estate maps) within the district may be sold to a nonfamily member during the term of district status. However, the parcel under new ownership shall remain in district status at least until the time of the next scheduled district renewal.
- F. Land within the district may be subdivided by purchase or gift to immediate family members in compliance with Chapter 16 . However, this subdivision shall remain in district status for at least as long as the parent parcel remains in the district.
- G. All included tracts shall be shown as separate parcels on the county real estate maps.

17-504.04. Term Review.

The district shall be in effect for ten (10) years, from January 27, 2010, to January 27, 2020. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with Sections 15.2-4309 through 15.2-4312 of the Code of Virginia.

CHAPTER 17. ZONING.

ARTICLE 5. OVERLAY DISTRICTS.

SECTION 17-505. KEEZELTOWN NORTH AGRICULTURAL AND FORESTAL DISTRICT.

Sec. 17-505.01. Creation.

Sec. 17-505.02. Description.

Sec. 17-505.03. Conditions.

Sec. 17-505.04. Term Review.

17-505.01. Creation.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Keezletown North Agricultural and Forestal District (hereinafter referred to as "district") is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by § 15.2-4300 through § 15.2-4314 of the Code of Virginia, *mutatis mutandis*, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

17-505.02. Description.

The Keezletown North Agricultural and Forestal District shall consist of the following land: sixty (60) parcels spanning one thousand, nine hundred seventeen (1,917) acres generally located north of the intersection of Indian Trail Road (Route 620) and Caverns Drive (Route 685), east of the intersection of Indian Trail Road (Route 717) and Minnie Ball Lane (Route 718), south of the intersection of Armentrout Path (Route 722) and Airey Lane (Route 868), and west of Lairds Knob, which includes the parcels shown on Rockingham County Real Estate Maps, as of the effective date of this district, numbered as

96-(A)- L36A, 96-(A)- L50, 96-(A)- L53A, 97-(A)- L38, 97-(A)- L41, 97-(A)- L46, 97-(A)- L47, 97-(A)- L54, 97-(A)- L55, 97-(A)- L57, 97-(A)- L57A, 97-(A)- L57A1, 97-(A)- L61, 97-(A)- L62, 97-(A)- L62A, 97-(A)- L62B, 97-(A)- L62C, 97-(A)- L62D, 97-(A)- L63, 110-(A)- L124, 110-(A)- L125A, 111-(4)- L1E, 111-(4)- L1F, 111-(A)- L3, 111-(A)- L8B, 111-(A)- L13, 111-(A)- L15A, 111-(A)- L33, 111-(A)- L35, 111-(A)- L36, 111-(A)- L37, 111-(A)- L42, 111-(A)- L43, 111-(A)- L44D1, 111-(A)- L48, 111-(A)- L49, 111-(A)- L49A, 111-(A)- L49B, 111-(A)- L49B1, 111-(A)- L49B2, 111-(A)- L57A, 111-(A)- L57B, 111-(A)- L71, 111-(A)- L71A, 111-(A)- L72, 111-(A)- L72A, 111-(A)- L72B, 111-(A)- L88, 111-(A)- L90, 111-(A)- L98, 111-(A)- L100, 111-(A)- L100A, 111-(A)- L101, 111-(A)- L101C, 111-(A)- L101D, 111-(A)- L101E, 112-(A)- L1, 126-(A)- L174, 126-(A)- L177, and 126-(A)- L177A.

17-505.03. Conditions.

The Keezletown North Agricultural and Forestal District shall comply with the following conditions:

- A. Uses, structures, and accessory businesses shall be permitted on a parcel in compliance with the regulations that apply to the zoning of that parcel. However, the following uses shall be prohibited throughout the district:

1. Golf courses;
 2. Golf driving ranges;
 3. Public campgrounds; and
 4. Auto graveyards or junkyards.
- B. All parcels included in the district must be located fully within the district; no portion of the district parcel shall lie outside the district.
- C. Parcels of land, as now defined in the county real estate records, within the district may be sold in their entirety but not subdivided to a nonfamily member during the term of the district status. However, the parcel under new ownership shall remain in the district status at least until the time of the next scheduled district renewal.
- D. Parcels of land, as now defined in the County real estate records, within the district may only be subdivided by purchase or gift to immediate family members. However, this family subdivision shall remain in the district status for at least as long as the parent parcel remains in the district.
- E. Residences for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of immediate family of the owner, shall be permitted in accordance with the Rockingham County Code.
- F. The existing commercial transmission towers and supporting structures on Lairds Knob on parcel 112 (A) L1 may be expanded in compliance with then-current county permitting guidelines.

17-505.04. Term Review.

The district shall be in effect for seven (7) years, from June 24, 2012, to June 24, 2019. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with, §§ 15.2-4309 through 15.2-4312 of the Code of Virginia.

CHAPTER 17. ZONING.

ARTICLE 5. OVERLAY DISTRICTS.

SECTION 17-506. KEEZELTOWN SOUTH AGRICULTURAL AND FORESTAL DISTRICT.

Sec. 17-506.01. Creation.

Sec. 17-506.02. Description.

Sec. 17-506.03. Conditions.

Sec. 17-506.04. Term Review.

17-506.01. Creation.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Keezletown South Agricultural and Forestal District (hereinafter referred to as "district") is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by § 15.2-4300 through § 15.2-4314 of the Code of Virginia, *mutatis mutandis*, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

17-506.02. Description.

The Keezletown South Agricultural and Forestal District shall consist of the following land: seventeen (17) parcels spanning four hundred forty-two (442) acres generally located north of Spotswood Trail (Route 33), east of Indian Trail Road (Route 620), south of the intersection of Indian Trail Road (Route 717) and Mountain Valley Road (Route 620), and west of Massanutten Peak, which includes the parcels shown on Rockingham County Real Estate Maps, as of the effective date of this district, numbered as

126-(2)- LB, 126-(2)- LB3, 126-(2)- LB4, 126-(2)- LE, 126-(A)- L103, 126-(A)- L107A, 126-(A)- L108, 126-(A)- L112, 126-(A)- L112A, 126-(A)- L112B, 126-(A)- L150, 126-(A)- L171, 126-(A)- L172, 126A-(A)- L11, 126A-(A)- L14, 126A-(A)- L16, and 127-(A)- L4.

17-506.03. Conditions.

The Keezletown South Agricultural and Forestal District shall comply with the following conditions:

- A. Uses, structures, and accessory businesses shall be permitted on a parcel in compliance with the regulations that apply to the zoning of that parcel. However, the following uses shall be prohibited throughout the district:
 1. Golf courses;
 2. Golf driving ranges;
 3. Public campgrounds; and
 4. Auto graveyards or junkyards.

- B. All parcels included in the district must be located fully within the district; no portion of the district parcel shall lie outside the district.
- C. Parcels of land, as now defined in the county real estate records, within the district may be sold in their entirety but not subdivided to a nonfamily member during the term of the district status. However, the parcel under new ownership shall remain in the district status at least until the time of the next scheduled district renewal.
- D. Parcels of land, as now defined in the county real estate records, within the district may only be subdivided by purchase or gift to immediate family members. However, this family subdivision shall remain in the district status for at least as long as the parent parcel remains in the district.
- E. Residences, for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property or for members of immediate family of the owner, shall be permitted in accordance with Chapter 17.

17-506.04. Term Review.

The district shall be in effect for seven (7) years, from June 24, 2012, to June 24, 2019. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with, §§ 15.2-4309 through 15.2-4312 of the Code of Virginia.

CHAPTER 17. ZONING.

ARTICLE 5. OVERLAY DISTRICTS.

SECTION 17-507. OAK GROVE AGRICULTURAL AND FORESTAL DISTRICT.

Sec. 17-507.01. Creation.

Sec. 17-507.02. Description.

Sec. 17-507.03. Conditions.

Sec. 17-507.04. Term Review.

17-507.01. Creation.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Oak Grove Agricultural and Forestal District (hereinafter referred to as district) is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by § 15.2-4300 through § 15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

17-507.02. Description.

The Oak Grove Agricultural and Forestal District shall consist of the following land: sixty-two (62) parcels spanning one thousand, one hundred seventy (1,170) acres generally located on the east side of John Wayland Highway (Route 42), south of Meigs Lane (Route 713), west of Valley Pike (Route 11), and north of Oakwood Drive (Route 704), which includes the parcels shown on Rockingham County Real Estate Maps, as of the effective date of this district, numbered as:

107-(A)- L235B, 107-(A)- L242B, 108-(A)- L200, 123-(3)- L1, 123-(3)- L1C1, 123-(4)- L1, 123-(4)- L2, 123-(4)- L3, 123-(A)- L27, 123-(A)- L28, 123-(A)- L28B, 123-(A)- L34, 123-(A)- L36, 123-(A)- L37, 123-(A)- L40, 123-(A)- L41, 123-(A)- L42, 123-(A)- L43, 123-(A)- L44, 123-(A)- L46, 123-(A)- L46F, 123-(A)- L47, 123-(A)- L47B, 123-(A)- L48, 123-(A)- L48A, 123-(A)- L49, 123-(A)- L49A, 123-(A)- L50, 123-(A)- L88, 123-(A)- L88A, 123-(A)- L89, 123-(A)- L90, 123-(A)- L91, 123-(A)- L92, 123-(A)- L93, 123-(A)- L93A, 123-(A)- L94, 123-(A)- L96, 123-(A)- L104, 123-(A)- L105, 123-(A)- L106, 123-(A)- L107, 123-(A)- L107A, 123-(A)- L107C, 123-(A)- L109, 123-(A)- L119, 123-(A)- L120, 123-(A)- L121, 123-(A)- L122, 123-(A)- L122A, 123-(A)- L122B, 123-(A)- L123, 123-(A)- L124, 123-(A)- L125, 123-(A)- L126, 123-(A)- L127, 123A-(1)- L1, 123A-(2)- L2, 123A-(2)- L2A, 123A-(2)- L4, 123A-(2)- L5, and 123A-(2)- L7.

17-507.03. Conditions.

The Oak Grove Agricultural and Forestal District shall comply with the following conditions:

- A. District landowners recognize that some of the land parcels included in the district may be in the Town of Dayton; or in the designated growth areas of Dayton, Bridgewater, or the county, as indicated in the comprehensive plans of both towns and of the county; or in the agreements defining annexation rights between the county and the Towns of Dayton and Bridgewater. Also, some parcels may be within the Harrisonburg Area Transportation Study plan area.

- B. The Oak Grove Agricultural and Forestal District shall comply with chapter 16(Subdivision of Land) of the County Code and with Sections 15.2-4300 through 15.2-4314 (Agricultural and Forestal Districts Act) of the Code of Virginia.
- C. Parcels of land owned by sole owners, co-owners, partnerships, trusts, corporations, or limited liability companies shall be eligible for inclusion in this Agricultural and Forestal District as long as all owners, or their designated representatives, sign the application indicating their desire that the parcel be included in the district.
- D. Any new nonagricultural or nonforestal uses and/or buildings, including dwellings, shall be in compliance with the following:
 - 1. The uses shall be located on property where there is an ongoing agricultural or forestal operation that qualifies for land use taxation.
 - 2. The use shall be permitted to operate only as long as the agricultural or forestal operation continues on the property.
 - 3. Construction of a dwelling shall be for: (1) persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or (2) members of the immediate family of the owner.
 - 4. Construction of community churches, with or without adjunctive cemeteries and/or church-related private schools shall be permitted. Land for this purpose may be transferred by gift or purchase from district landowners.
- E. Parcels of land (as now defined on the county real estate maps) within the district may be sold to a nonfamily member during the term of district status. However, the parcel under new ownership shall remain in district status at least until the time of the next scheduled district renewal.
- F. Land within the district may be subdivided by purchase or gift to immediate family members in compliance with Chapter 16. However, this subdivision shall remain in district status for at least as long as the parent parcel remains in the district.
- G. All included tracts shall be shown as separate parcels on the county real estate maps.

17-507.04. Term Review.

The district shall be in effect for seven (7) years, from January 27, 2010, to January 27, 2017. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with Sections 15.2-4309 through 15.2-4312 of the Code of Virginia.

CHAPTER 17. ZONING.

ARTICLE 5. OVERLAY DISTRICTS.

SECTION 17-508. OTTOBINE AGRICULTURAL AND FORESTAL DISTRICT.

Sec. 17-508.01. Creation.

Sec. 17-508.02. Description.

Sec. 17-508.03. Conditions.

Sec. 17-508.04. Term Review.

17-508.01. Creation.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Ottobine Agricultural and Forestal District (hereinafter referred to as district) is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by Sections 15.2-4300—15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

17-508.02. Description.

The Ottobine Agricultural and Forestal District shall consist of the following land: thirty-three (33) parcels spanning one thousand seven hundred fifty-six (1756) acres core area west of Ottobine in the southwestern portion of Rockingham County. In relation to the other nearby agricultural-forestal districts, the district is west of Dry River, northwest of Spring Creek and southwest of Western Rockingham. The district is compact rather than sprawling, extending in the north to Wheelbarger Hollow (Layman Hollow Lane), in the northeast to Union Springs Road, and to Briery Branch in the south. An isolated one-acre parcel, surrounded by the Spring Creek Agricultural and Forestal district, is even farther south at the southeast junction of Briery Branch Road and Spring Creek Road (Route 613). In the east, the district is adjacent to Ottobine Elementary School and on the west borders George Washington National Forest. The following parcels shown on county real estate maps, as of the effective date of this district, are part of the Ottobine District and numbered as:

89-(A)- L35A1, 90-(A)- L101, 90-(A)- L101A, 90-(A)- L102, 90-(A)- L103, 103-(A)- L171C, 103-(A)- L173, 104-(A)- L1, 104-(A)- L1C, 104-(A)- L8, 104-(A)- L12, 104-(A)- L13, 104-(A)- L14, 104-(A)- L14A, 104-(A)- L16, 104-(A)- L16A, 104-(A)- L19, 104-(A)- L20, 104-(A)- L21, 104-(A)- L22, 104-(A)- L23, 104-(A)- L24, 104-(A)- L24A, 104-(A)- L25, 104-(A)- L127A, 104-(A)- L133, 104-(A)- L133B, 104-(A)- L134, 104-(A)- L136A, 104-(A)- L136A1, 104-(A)- L137, 104-(A)- L145A, and 104-(A)- L146.

17-508.03. Conditions.

The intent of these conditions is to strengthen the existing agricultural community in order to ensure its continued economic viability. The Ottobine Agricultural and Forestal District shall comply with the following conditions:

- A. Uses, structures, and accessory businesses shall be permitted on a parcel in compliance with the regulations that apply to the zoning of that parcel. However, the following uses shall be prohibited throughout the district:

1. Golf courses;
 2. Golf driving ranges;
 3. Campgrounds;
 4. Shooting ranges;
 5. Auto graveyards or junkyards;
 6. Recreational or amusement enterprises operating outside a building for profit.
- B. All parcels included in the district must be located fully within the district; no portion of a district parcel shall lie outside the district.
- C. Parcels of land, as now defined in the county real estate records, within the district may be sold in their entirety but not subdivided to a nonfamily member during the term of district status. However, the parcel under new ownership shall remain in district status at least until the time of the next scheduled district renewal.
- D. Parcels of land, as now defined in the county real estate records, within the district may only be subdivided by purchase or gift to immediate family members. However, this family subdivision shall remain in district status for at least as long as the parent parcel remains in the district.
- E. Residences for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of the immediate family of the owner, shall be permitted in accordance with the county Code.

17-508.04. Term Review.

The district shall be in effect for ten (10) years, from July 12, 2011, to July 12, 2021. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with, Sections 15.2-4309—15.2-4312 of the Code of Virginia.

CHAPTER 17. ZONING.

ARTICLE 5. OVERLAY DISTRICTS.

SECTION 17-509. SPRING CREEK AGRICULTURAL AND FORESTAL DISTRICT.

Sec. 17-509.01. Creation.

Sec. 17-509.02. Description.

Sec. 17-509.03. Conditions.

Sec. 17-509.04. Term Review.

17-509.01. Creation.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Spring Creek Agricultural and Forestal District (hereinafter referred to as district) is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by §§ 15.2-4300 through 15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

17-509.02. Description.

The Spring Creek Agricultural and Forestal District shall consist of the following land: seventy-eight (78) parcels spanning three thousand twenty (3,020) acres, more or less, generally located south of Ottobine, west of the Town of Bridgewater, east of Windy Cove Road (Route 755), and north of the Augusta County line, which includes the parcels, shown on the county real estate maps, as of the effective date of this district, numbered as:

104-(A)- L88, 104-(A)- L121, 104-(A)- L126, 104-(A)- L129, 105-(A)- L88, 105-(A)- L91A, 105-(A)- L103, 105-(A)- L111, 105-(A)- L111B, 105-(A)- L113, 105-(A)- L181B, 105-(A)- L189C, 105-(A)- L189D, 120-(1)- L1, 120-(1)- L1B, 120-(1)- L2, 120-(1)- L3, 120-(1)- L3A, 120-(1)- L4, 120-(A)- L59, 120-(A)- L65, 120-(A)- L69, 121-(1)- L1, 121-(1)- L2, 121-(A)- L1, 121-(A)- L1A, 121-(A)- L2, 121-(A)- L4, 121-(A)- L5, 121-(A)- L9, 121-(A)- L15, 121-(A)- L24, 121-(A)- L24A, 121-(A)- L24B, 121-(A)- L32, 121-(A)- L36, 121-(A)- L36A, 121-(A)- L38H, 121-(A)- L39A, 121-(A)- L39A1, 121-(A)- L40, 121-(A)- L41, 121-(A)- L42, 121-(A)- L43A, 121-(A)- L45, 121-(A)- L50A, 121-(A)- L52, 121-(A)- L54B, 121-(A)- L61A, 121-(A)- L66A, 121-(A)- L70, 121-(A)- L71, 121-(A)- L73, 121-(A)- L74, 121-(A)- L75, 121-(A)- L75B, 121-(A)- L76A, 121-(A)- L77, 121-(A)- L84, 121-(A)- L84A, 121-(A)- L84D, 121-(A)- L85, 121-(A)- L85A, 121-(A)- L96, 121A-(1)- L12, 122-(A)- L3, 122-(A)- L4, 122-(A)- L11A, 122-(A)- L20A, 122-(A)- L21, 122-(A)- L25A, 122-(A)- L26, 122-(A)- L26A, 122-(A)- L27, 122-(A)- L29, 135-(A)- L1, 135-(A)- L2, and 135-(A)- L20.

17-509.03. Conditions.

The Spring Creek Agricultural and Forestal District shall comply with the following conditions:

- A. District landowners recognize that some of the land parcels included in the district may be in the designated growth areas of the Town of Bridgewater or the county, as indicated in the Comprehensive Plans of Bridgewater and of the county; or in the agreements defining

annexation rights between the county and the Town of Bridgewater. Also, some parcels may be within the Harrisonburg Area Transportation Study plan area.

- B. The Spring Creek Agricultural and Forestal District shall comply with chapter 16(Subdivision of Land) of the County Code and with Sections 15.2-4300 through 15.2-4314 (Agricultural and Forestal Districts Act) of the Code of Virginia.
- C. Parcels of land owned by sole owners, co-owners, partnerships, trusts, corporations, or limited liability companies shall be eligible for inclusion in this Agricultural and Forestal District as long as all owners, or their designated representatives, sign the application indicating their desire that the parcel be included in the district.
- D. Any new nonagricultural or nonforestal uses and/or buildings, including dwellings, shall be in compliance with the following:
 - 1. The uses shall be located on property where there is an ongoing agricultural or forestal operation that qualifies for land use taxation.
 - 2. The use shall be permitted to operate only as long as the agricultural or forestal operation continues on the property.
 - 3. Construction of a dwelling shall be for: (1) persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or (2) members of the immediate family of the owner. The uses shall be located on property where there is an ongoing agricultural or forestal operation that qualifies for land use taxation.
 - 4. Construction of community churches, with or without adjunctive cemeteries and/or church-related private schools shall be permitted. Land for this purpose may be transferred by gift or purchase from district landowners.
- E. Parcels of land (as now defined on the county real estate maps) within the district may be sold to a nonfamily member during the term of district status. However, the parcel under new ownership shall remain in district status at least until the time of the next scheduled district renewal.
- F. Land within the district may be subdivided by purchase or gift to immediate family members in compliance with § 16-9(c) of the County Code. However, this subdivision shall remain in district status for at least as long as the parent parcel remains in the district.
- G. All included tracts shall be shown as separate parcels on the county real estate maps.

17-509.04. Term Review.

The district shall be in effect for ten (10) years, from January 27, 2010, to January 27, 2020. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with Sections 15.2-4309 through 15.2-4312 of the Code of Virginia.

CHAPTER 17. ZONING.

ARTICLE 5. OVERLAY DISTRICTS.

SECTION 17-510. WESTERN ROCKINGHAM AGRICULTURAL AND FORESTAL DISTRICT.

Sec. 17-510.01. Creation.

Sec. 17-510.02. Description.

Sec. 17-510.03. Conditions.

Sec. 17-510.04. Term Review.

17-510.01. Creation.

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Western Rockingham Agricultural and Forestal District (hereinafter referred to as district) is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by Sections 15.2-4300 through 15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

17-510.02. Description.

The Western Rockingham Agricultural and Forestal District shall consist of the following land: one hundred fifty-two (152) parcels spanning six thousand twenty-five (6,025) acres generally bounded on the south by Rawley Pike (Rt. 33), ranging within three hundred (300) feet of the Harrisonburg city limits in the southeast to George Washington National Forest in the northwest. In the north, the district extends to Greenmount Road and north of Chrisman Road. In the east, the district extends to Fort Lynne Road. In the west, the district extends to Whitmore Shop Road. The following parcels shown on county real estate maps, as of the effective date of this district, are numbered as:

61-(2)- L3, 61-(A)- L34, 61-(A)- L56, 76-(2)- L1, 76-(2)- L2, 76-(3)- L9, 76-(A)- L37, 76-(A)- L38A, 76-(A)- L39, 76-(A)- L39A, 76-(A)- L40, 76-(A)- L40A, 76-(A)- L41, 76-(A)- L41B, 76-(A)- L42, 76-(A)- L43, 76-(A)- L45, 76-(A)- L45A, 76-(A)- L47A, 76-(A)- L54, 76-(A)- L57, 76-(A)- L57B, 76-(A)- L57D, 77-(4)- L1, 77-(A)- L1, 77-(A)- L3, 77-(A)- L3A1, 77-(A)- L4A, 77-(A)- L5B, 77-(A)- L5B1, 77-(A)- L13A, 77-(A)- L21, 77-(A)- L21C, 77-(A)- L23B, 77-(A)- L23B3, 77-(A)- L28, 77-(A)- L29, 77-(A)- L36, 77-(A)- L55, 77-(A)- L101, 77-(A)- L101B, 77-(A)- L101B1, 77-(A)- L119, 77-(A)- L119C, 77-(A)- L128, 77-(A)- L129, 77-(A)- L131A, 77-(A)- L132, 78-(A)- L27, 90-(A)- L67, 91-(A)- L4, 91-(A)- L13, 91-(A)- L17, 91-(A)- L18, 91-(A)- L19, 91-(A)- L29, 91-(A)- L39, 91-(A)- L40, 91-(A)- L42, 91-(A)- L47, 91-(A)- L47A, 91-(A)- L48, 91-(A)- L48A, 91-(A)- L48A1, 91-(A)- L49A, 91-(A)- L61, 91-(A)- L121A, 91-(A)- L129, 91-(A)- L131, 91-(A)- L131A, 91-(A)- L132, 91-(A)- L132B, 91-(A)- L134, 91-(A)- L135, 91-(A)- L139, 91-(A)- L139A, 91-(A)- L154A, 91-(A)- L158, 91-(A)- L178, 91-(A)- L179, 91-(A)- L184B, 91-(A)- L194, 91-(A)- L194A, 91-(A)- L210, 91-(A)- L211, 91-(A)- L212, 92-(2)- L1, 92-(2)- L2, 92-(2)- L4, 92-(6)- L2, 92-(9)- L3, 92-(9)- L4A1, 92-(9)- L4B, 92-(A)- L4, 92-(A)- L34, 92-(A)- L43, 92-(A)- L47, 92-(A)- L55, 92-(A)- L63, 92-(A)- L64, 92-(A)- L70, 92-(A)- L75A, 92-(A)- L82, 92-(A)- L84, 92-(A)- L85, 92-(A)- L91, 92-(A)- L103, 92-(A)- L112, 92-(A)- L112A, 92-(A)- L113, 92-(A)- L114, 92-(A)- L115, 92-(A)- L116, 92-(A)- L117, 92-(A)- L118, 92-(A)- L119, 92-(A)- L124, 92-(A)- L125, 92-(A)- L142, 92-(A)- L144A, 92-(A)- L144A2, 92-(A)- L148, 92-(A)- L149, 92-(A)- L154, 92-(A)- L154A,

92-(A)- L165, 92-(A)- L170, 92-(A)- L171, 92-(A)- L174, 92-(A)- L174A, 93-(A)- L1, 93-(A)- L2, 93-(A)- L2B, 93-(A)- L3, 93-(A)- L4, 93-(A)- L4B, 93-(A)- L10, 93-(A)- L11A5, 93-(A)- L17, 93-(A)- L17B, 93-(A)- L23, 93-(A)- L45, 93A-(4)- L9, 93A-(5)- L6, 93A-(5)- L7, 93A-(5)- L9, 93A-(5)- L10, 93A-(5)- L11, 93A-(6)- L5, 107-(A)- L51A, 107-(A)- L52, and 108-(A)- L20.

17-510.03. Conditions.

The intent of these conditions is to strengthen the existing agricultural community in order to ensure its continued economic viability. The Western Rockingham Agricultural and Forestal District shall comply with the following conditions:

- A. Uses, structures, and accessory businesses shall be permitted on a parcel in compliance with the regulations that apply to the zoning of that parcel. However, the following uses shall be prohibited throughout the district:
 - 1. Golf courses;
 - 2. Golf driving ranges;
 - 3. Campgrounds;
 - 4. Shooting ranges;
 - 5. Auto graveyards or junkyards;
 - 6. Recreational or amusement enterprises operating outside a building for profit.
- B. All parcels included in the district must be located fully within the district; no portion of a district parcel shall lie outside the district.
- C. Parcels of land, as now defined in the county real estate records, within the district may be sold in their entirety but not subdivided to a nonfamily member during the term of district status. However, the parcel under new ownership shall remain in district status at least until the time of the next scheduled district renewal.
- D. Parcels of land, as now defined in the county real estate records, within the district may only be subdivided by purchase or gift to immediate family members. However, this family subdivision shall remain in district status for at least as long as the parent parcel remains in the district. Residences for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of the immediate family of the owner, shall be permitted in accordance with the county Code.

17-510.04. Term Review.

The district shall be in effect for ten (10) years, from March 29, 2011, to March 29, 2021. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with sections 15.2-4309 through 15.2-4312 of the Code of Virginia.

CHAPTER 17. ZONING.

ARTICLE 6. LAND USES.

Sec. 17-601.	Applicability.
Sec. 17-602.	Permitted Uses.
Sec. 17-603.	Special Uses.
Sec. 17-604.	Accessory Uses.
Sec. 17-605.	Supplemental Standards.
Sec. 17-606.	Zoning Districts.
Table 17-606.	Zoning and Land Use Table.
Sec. 17-607.	Supplemental Standards for Certain Land Uses.

17-601. Applicability.

Table 17-601, Zoning and Land Uses, lists the permitted, special use, and accessory uses available for all zoning districts set forth in Article 3, Districts, Conventional, and Article 4, Districts, Planned, of this chapter.

17-602. Permitted Uses.

Permitted uses shall be a matter of right. Supplemental standards apply as indicated.

17-603. Special Uses.

When, after review of an application and hearing thereon, in accordance with Article 10, Procedures, the Board of Supervisors finds as a fact that the proposed use is compatible with the surrounding uses and the Comprehensive Plan, is not detrimental to the character of adjacent land, is consistent with the intent of this chapter, and is in the public interest, special uses may be permitted with a special use permit. Supplemental standards apply as indicated.

17-604. Accessory Uses.

Where an area is devoted to a permitted primary use, customary accessory uses and structures are authorized. Supplemental standards apply as indicated.

17-605. Supplemental Standards.

- A. The standards of this article shall supplement the applicable zoning district ordinances and the development standards of this chapter in a manner that specifically addresses the unique development challenges of certain uses.
- B. Supplemental standards shall not substitute for other more stringent provisions of this ordinance that may apply or for additional conditions that may result in connection with special use or rezoning approvals.
- C. The supplementary standards shall apply to new development, redevelopment, or a change of use.

1. Supplemental standards shall supplement the requirements of the applicable zoning district in which the use is permitted by right or by special use, or accessory use, unless stated otherwise.
 2. In accord with Article 10, Procedures, the Board of Supervisors may impose additional conditions in connection with special uses (special exceptions).
 3. All uses, structures, or facilities shall comply with pertinent federal, state, and local laws, regulations, and policies whether or not they are referenced in this article.
- D. If the use is permitted by special use permit, modifications may be approved by the Board of Supervisors for the proposed special use upon a finding that such modification to the standards will achieve an innovative design, improve upon the existing standards, preserve the County's historic or archeological heritage, or otherwise exceed the public purpose of the existing standards. No modification shall be granted to any of the underlying zoning district regulations, including reductions in setbacks.
- E. If the use is permitted by right or as an accessory use with supplemental standards, and the applicant/landowner requests certain supplemental standards be waived, with the exception of standards relating to setbacks, the applicant shall seek a special use permit to modify said supplemental standards. Such modifications may be approved by the Board of Supervisors for the proposed special use upon a finding that such modification of the standards will achieve an innovative design, improve upon the existing standards, preserve the County's historic or archeological heritage, or otherwise exceed the public purpose of the existing standards.

17-606. Zoning Districts.

The zoning districts in the following table are:

A-1, Prime Agricultural
A-2, General Agricultural
RV, Rural Village
RR-1, Residential or Recreational
R-1, Low Density Residential
R-2, Medium Density Residential
R-3, General Residential
PSF, Planned Single Family
PMF, Planned Multi-Family
PG, Planned Growth
R-4, Planned Resort
R-5, Planned Neighborhood
MH-1, Mixed Home
MHP, Planned Manufactured Home Park
MXU, Mixed Use
B-1, General Business
B-2, Neighborhood Business
PCD, Planned Commercial Development
PMR, Planned Medical and Research
I-1, General Industrial
I-2, Light Industrial

PID, Planned Industrial
S-1, Public Service

P: Permitted; SU: Special Use; A: Permitted Accessory; Asterisk *: Supplemental Standards Apply		Table 17-606. Land Use and Zoning Table																						
		A-1	A-2	RV	RR-1	R-1	R-2	R-3	PSF	PMF	PG	R-4	R-5	MH-1	MHP	MXU	B-1	B-2	PCD	PMR	I-1	I-2	PID	S-1
Agricultural Uses																								
Agriculture		P	P	P*	P*						P*										SU*			
Agriculture facility, intensive		P*	P*																					
Community garden		P	P	P	P							P	P								P			
Farm buildings		P	P																					
Farm market		SU*	SU*	P*													P	P	P	P				
Farm winery		P*	P*																					
Feed mill		SU*	SU*																		P			P
Horse stable, commercial		P	P									P	P											
Kennel operation, private		SU*	SU*																					
On-farm activities		P*	P*																					
Poultry litter service or brokerage operation		P	P	P																		P		P
Produce stand		A	A	P							P													
Recreational Uses																								
Amusement, indoor												P	P				P	P						P
Campground			SU*									P*												
Community pool/sport court				SU			P	P	P	P	P						P	P	P	P	P			
Equestrian facility		SU*	SU*									P*	P*								P*			
Golf course			SU										P	P			P	P		P				
Golf driving range													P	P										
Shooting range, indoor			SU*									P*												
Shooting range, outdoor		SU*	SU*										P*								P*			
Ski area												P												
Sports complex												P*	P*								P*			P*
Assembly Uses																								
Church or other place of worship		SU	SU	P	P	SU	SU	P	SU	P	P	P	P				P	P	P	P	P	SU	SU	SU
Community center		SU*	SU*	SU		P	P					P	P	P	P	P	P	P	P	P	P			P
Cultural center		SU*	SU*	SU*			SU*	P*	P*	P*	P	P	P*											

Table 17-606. Land Use and Zoning Table																								
P: Permitted; SU: Special Use; A: Permitted Accessory; Asterisk *: Supplemental Standards Apply		A-1	A-2	RV	RR-1	R-1	R-2	R-3	PSF	PMF	PG	R-4	R-5	MH-1	MHP	MXU	B-1	B-2	PCD	PMR	I-1	I-2	PID	S-1
Event center	SU*	SU*	SU*									P	P			P	P	P	P	P	P			P
Faigrounds		SU										P	P	P		P	P	P	P	P	A	A		
Fitness center												P	P			P	P	P	P	P				
Microbrewery												P	P			P	P	P	P	P				
Restaurant		SU*	P									P	P			P	P	P	P	P			P	P
School	SU	SU	SU	SU*	P*	P*	SU*	SU*				P	P*			P*	P	P	P*	P	SU	SU	P	
Theater			SU*									P	P			P	P	P*	P					
Retail Uses																								
Antique or craft shop		SU	P													P	P	P	P	P				
Art gallery			P					P			P					P	P	P	P	P				
Auction facility		SU*	P*													SU*					SU	SU	P	
Company store																					A*	A*	A*	
Convenience store		SU	P									P	P	SU		P	P	P	P	P			P	P
Flea market		SU*	SU*													P*								
Motor vehicle parts sales																P	P	P	P			SU	P	
Retail use not otherwise listed			P*									P	P		P*	P	P	P	P	P		SU	SU	P
Seed and feed store	SU	SU	SU																			P	P	
Travel center																					SU	SU	P	
Service Business Uses																								
Animal hospital	SU*	SU*	P*													SU*	P*	P*	SU*					
Animal shelter		SU*	SU*													P*	P*		P*					
Car wash												P*				P*	P*	SU*	P*		P*	P*		
Catering facility												P	P			P	P		P		P		P	
Electronic data storage or processing center																					P	P	P	
Funeral home, crematory	P*	SU*	SU*													P	P	P	P	P				
Housing management office												P	P	P	P	P	P	P	P				P	
Kennel operation, commercial	SU*	SU*	SU*									P*				P*								
Landscaping service	P*	P*	P*								P	P*				P*	P*	P*	P*		P	P	P	
Laundry, commercial or industrial																				P	P	P		
Laundry, drycleaning, laundromat			P*									P	P	P	P	P	P	P	P				P	

P: Permitted; SU: Special Use; A: Permitted Accessory; Asterisk *: Supplemental Standards Apply		Table 17-606. Land Use and Zoning Table																							
		A-1	A-2	RV	RR-1	R-1	R-2	R-3	PSF	PMF	PG	R-4	R-5	MH-1	MHP	MXU	B-1	B-2	PCD	PMR	I-1	I-2	PID	S-1	
Livestock sales facility	SU*	SU*																			SU			P	
Machinery and equipment center	SU*	SU*	P*														P		P		P	P			
Mail services			P														P		P		P	P			
Medical office or clinic		SU*	P					SU		P		P	P			P	P	P	P	A	A	P			
Motor vehicle sales lot			P*														P*		P*		P*	P*			
Office			P					P		P	SU*	P	P			P	P	P	P	P	P	P			
Radio or television station																									
Research facility	P*	P*														P*	P*		P*	P*	P	P	P		
Sale of manufactured homes, campers, camper trailers, and recreational vehicles, exempt from enclosure																	P				SU	P	P		
Service business, not otherwise listed			P									P	P			P	P	P	P	P	P	P			
Spa												P	P			P	P	P	P	P					
Taxidermy		P*	P														P	P			P	P			
Institutional Uses																									
Correctional facility																								P	
College, university																	P	P	P	P	P	SU	SU		
Daycare, adult	SU*	SU	P	SU		P	P	SU*	P*	P*	P	P	P			P			P	P	P				
Daycare, child	P*	P*	P	SU		SU*	SU*	P*	P*	P*	SU*	P	P	P	P	P	P	P	P	P	P*	P*	P		
Emergency and protective facility		SU	SU														P	P	P	P	P				
Group home	SU	SU	SU					SU		P	SU		P				P	P	P	P	P				
Halfway house		SU	SU																						
Hospice center																	P	P		P					
Hospital																	P	P		P					
Nursing home			SU					SU		P			P				P	P	P	P	P				
Public safety facility	P	P	P	SU				SU		P	SU	P	P			P	P	P	P	P	P	P	SU		
Rehabilitation facility			SU					SU		P															
Substance abuse treatment facility		SU	SU																		SU				
Residential Uses																									
Bed and breakfast inn	SU*	SU*	P*								SU*	P*	P*				P*		P*						
Dwelling, accessory	A*	A*	A*			A*	A*		A*			A*				A*									

P: Permitted; SU: Special Use; A: Permitted Accessory; Asterisk *: Supplemental Standards Apply		Table 17-606. Land Use and Zoning Table																							
Industrial Uses		A-1	A-2	RV	RR-1	R-1	R-2	R-3	R-3	PSF	PMF	PG	R-4	R-5	MH-1	MHP	MXU	B-1	B-2	PCD	PMR	I-1	I-2	PID	S-1
Airport, heliport, or flight strip	SU*	SU*											P*				SU*	SU*	SU*	P*	P	P	P		
Biomass conversion facility	P*	P*																		P	P		P		
Buggy and harness shop, repair and sales	P	P	P															P	P						
Bus or rail terminal			SU														P	P	P	P					
Cab service																	P	SU				P			
Cabinet, furniture, woodworking, upholstery shop		SU	SU														P	P	P						
Carpet and rug cleaning service																	P*	P	P*	P*		P*	P*		
Central energy plant																				A	A	A	A		
Contractor's operation	SU*	SU*	SU*															P*				P	P	P	
Electrical substation	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU				SU	SU	SU	SU	SU	P	P	P	
Industry, heavy																					SU		P		
Industry, light																					P	P	P		
Meat processing facility	SU*	SU*	SU*	SU*																	SU		P	P	
Metal-working facility	SU*	SU*	SU*	SU*																P	P	P	P		
Motor vehicle repair shop		SU*	SU*	SU*														P*	P*	P*	P*		P*	P*	
Motor vehicle tow service			SU*															P*	P*	P*	P	P	P		
Oil and gas extraction operation																					SU		P		
Quarry operation	SU*	SU*																			SU*	SU*	SU*		
Refuse collection and recycling center	SU	SU																			SU			P	
Sawmill or lumber mill	SU*	SU*																			P	P	P		
Water storage tank	P*	P*	P	P													P	P	P	P	P	P	P	P	
Water/wastewater treatment facility	SU	SU	SU	SU									P				SU	SU	SU	SU	SU	SU	SU	P	
Wind energy system, large-scale	SU*	SU*																						SU*	
Wind energy system, small-scale	P*	P*	SU*	SU*	SU*	SU*	SU*	SU*	SU*	SU*	SU*	SU*	SU*	SU*	SU*		SU*	SU*	SU*	SU*	P*	SU*	SU*	P*	
Wireless telecommunications facility	SU*	SU*	SU*	SU*	SU*	SU*	SU*	SU*	SU*	SU*	SU*	SU*	SU*	SU*	SU*		SU*	SU*	SU*	SU*	SU*	SU*	SU*	SU*	
Other Uses																									
Accessory Structure	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Cemetery	SU*	SU	SU	SU	SU*	SU*	SU*	SU*	SU*	SU*	SU*	SU*	SU*	SU*				P	SU	SU	SU	P			

P: Permitted; SU: Special Use; A: Permitted Accessory; Asterisk *: Supplemental Standards Apply																			
Table 17-606. Land Use and Zoning Table																			
	A-1	A-2	RV	RR-1	R-1	R-2	R-3	PSF	PMF	PG	R-4	R-5	MH-1	MHP	MXU	B-1	B-2	PCD	PMR
Memorial garden	SU	SU	SU												P	SU	SU	P	
Park	SU	SU	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	SU
Pit privies	SU*	SU*	SU*																
Temporary structure	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*
Yard sales	A*	A*	A*		A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*			A*	

17-607. Supplemental Standards for Certain Land Uses.

Agriculture.

- A. In the RV zoning district, agriculture shall be limited to animal husbandry for personal use or casual sales only, limited to one (1) animal unit per acre, not to exceed four (4) animal units.
- B. In the RR-1 zoning district, agriculture shall be limited to animal husbandry for personal use or casual sales only, limited to one (1) animal unit per acre, not to exceed four (4) animal units or to silviculture.
- C. In the PG zoning district, agriculture shall be limited to animal husbandry for personal use or casual sales only, limited to one (1) animal unit per acre, not to exceed four (4) animal units or to horticulture.
- D. In the PMR zoning district, agriculture shall be limited to horticulture.

Agriculture facility, Intensive.

- A. Any facility started after October 1, 2014 shall require a minimum of six (6) acres.
- B. Setbacks.
 - 1. Each structure and denuded area associated with the intensive agricultural facility shall be set back from all existing dwellings not owned by the owner of the intensive agricultural facility, as follows:
 - a. From an existing dwelling in the A-1 district, three hundred (300) feet;
 - b. From an existing dwelling in the A-2 district, six hundred (600) feet;
 - c. Setbacks from existing dwellings may be reduced by the mutual consent of the producer and adjacent landowner.
 - 2. Each structure and denuded area associated with the intensive agricultural facility shall be set back from property lines one hundred fifty (150) feet. The setback from property lines may be reduced by mutual consent of the producer and landowners whose property lines fall within the one hundred fifty (150) foot setback distance. In no case, however, shall such setback from property lines be less than seventy-five (75) feet.
 - 3. Each structure and denuded area associated with the intensive agricultural facility shall be set back from the travel surface of public roadways at least one hundred (100) feet. The setback from public roadways shall not be subject to reduction.
 - 4. Consent shall be evidenced by a notarized affidavit presented to the Zoning Administrator stating the agreed-upon distance between the existing dwelling and the intensive agricultural facility.
 - 5. In the event that a residence is constructed on property adjoining an existing intensive agricultural facility or on property for which valid permits for an intensive agricultural

facility has been obtained, or in the event of annexation or a County rezoning, which makes the intensive agricultural facility nonconforming, additional structures may be constructed in association with the intensive agricultural facility provided no new structure(s) will encroach upon the property line, adjoining residence, town, or city boundary or zoning district to a greater extent than the existing structure(s) and provided that all other requirements of this chapter are met.

6. Each structure and denuded area associated with the intensive agricultural facility shall have a minimum setback, not subject to reduction, as follows:
 - a. at least one thousand (1,000) feet from incorporated town and city boundaries and from public wells, springs, and water intakes; and
 - b. at least six hundred (600) feet from
 - i. designated urban growth areas;
 - ii. residentially zoned districts;
 - iii. manufactured home parks;
 - iv. manufactured home subdivisions;
 - v. public schools; and
 - vi. county, town, and community recreation areas.
 - c. at least thirty-five (35)' from any jurisdictional waterway.
- C. Replacement or reconfiguration of a structure in a facility as of October 1, 2014, but which does not meet these requirements, may be permitted on a parcel provided that:
 1. The square footage of any replacement structure shall be no greater than one hundred twenty-five (125) percent of the square footage of the structure it replaces;
 2. The replacement structure shall meet all required setbacks of B.6. above, or shall not encroach upon any setback to a greater extent than the structure it replaces;
 3. A plat prepared and signed by a land surveyor or engineer showing the location, size, and setback from property lines and dwellings on adjoining parcels of both the structure being replaced and the structure being constructed shall be submitted to the Zoning Administrator.
- D. Each application for a facility shall be accompanied by a plat prepared and signed by a land surveyor or engineer certifying that the proposed facility meets all applicable setback requirements of this ordinance.
- E. Management of manure shall be in compliance with all applicable local, state and federal laws and requirements.
- F. After October 1, 2014, no facility permit shall be issued until documentation of the existence of a nutrient management plan for the proposed facility has been reviewed and accepted by

the Zoning Administrator. Poultry facilities in operation as of October 1, 2014 which do not have sufficient acreage or do not meet setbacks shall be considered valid non-conforming uses and may be improved by construction of additional poultry facility, provided that:

1. The total number of poultry houses in operation on the parcel shall not exceed three (3);
2. The producer obtains the notarized consent of all adjacent landowners. Consent shall be evidenced by a notarized affidavit specifying the number, size, and location of facilities as agreed upon by the producer and adjacent landowners;
3. When the subject parcel is adjacent to any residential district, it shall contain at least five (5) acres for each poultry house in operation on the parcel;
4. The proposed facilities meet all other requirements of this article.

G. Poultry litter that is not immediately land-applied shall be stored according to the following criteria:

1. If litter is not stored under roof, the storage site shall be at least one hundred (100) feet from surface water, intermittent drainage, wells, sinkholes, and rock outcrops.
2. If stored outside longer than fourteen (14) days, the litter shall be covered with an impermeable barrier that will resist wind.
3. Litter shall not be stored where the water table is less than one (1) foot below the surface.
4. If litter is stored in areas where the ground water table is less than two (2) feet below the surface year round, an impermeable barrier shall be stored under the litter. Impermeable barriers shall be constructed using at least twelve (12) inches of compacted clay, at least four (4) inches of reinforced concrete, or another material of similar structural integrity which has a minimum permeability rating of 0.0014 inches per hour.
5. Poultry litter shall be protected from storm water runoff accumulating on or under it.

Airport, heliport, or flight strip.

In the A-1, A-2, R-4, MXU, B-1, B-2, and PCD zoning districts, only one aircraft may use the airport, heliport, or flight strip at a time.

Animal hospital.

- A. In the RV, MXU and PCD zoning districts, the animal hospital shall not service large animals, such as livestock, on-site.
- B. In the A-1, A-2, RV, MXU, and PCD zoning districts:
 1. Any buildings, runs, or containment areas associated with an animal hospital shall meet the following setbacks:

- a. One hundred fifty (150) feet from any property line, reducible to seventy-five (75) feet if notarized consent is obtained from the affected adjoining landowner and submitted as a part of the application.
 - b. Three hundred (300) feet to any dwelling on adjoining property, reducible to one hundred fifty (150) feet if the affected adjoining landowner gives notarized consent which shall state the agreed upon distance any buildings, runs, or containment areas shall be from the residence.
 - c. One hundred (100) feet from any public road. This setback shall not be reduced.
- 2. An affidavit indicating mutual consent for any reduction shall be provided to the Zoning Administrator.
- 3. Use of outdoor runs shall be limited to 8:00 a.m. to 9:00 p.m.
- 4. The owner of the animal hospital shall submit, as a part of the application, a plan for waste disposal. The plan shall also show how wastewater from the wash down of the outdoor runs and kennel areas is to be collected and the type of disposal proposed.
- C. In the A-1, A-2, RV, MXU, B-1, B-2, and PCD zoning districts, on-site disposal of dead animals is restricted to incineration.

Animal shelter.

In the A-2, RV, B-1, MXU, and PCD zoning districts:

- A. Any buildings, runs, or containment areas associated with an animal shelter shall meet the following setbacks:
 - 1. One hundred fifty (150) feet from any property line, reducible to seventy-five (75) feet if notarized consent is obtained from the affected adjoining landowner and submitted as a part of the application.
 - 2. Three hundred (300) feet to any dwelling on adjoining property, reducible to one hundred fifty (150) feet if the affected adjoining landowner gives notarized consent which shall state the agreed upon distance any buildings, runs, or containments areas shall be from the residence.
 - 3. One hundred (100) feet from any public road. This setback shall not be reduced.
- B. Hours that the facility is open to the public shall be limited to 6:00 a.m. to 9:00 p.m.
- C. Use of outdoor runs shall be limited to 8:00 a.m. to 9:00 p.m.
- D. The owner of the animal shelter shall submit as a part of the application a plan for waste disposal. The plan shall also show how wastewater from the wash-down of the outdoor runs and kennel areas is to be collected and the type of disposal proposed.
- E. On-site disposal of dead animals shall be restricted to incineration.

- F. Screening, planting, fencing, preservation of trees, location of entrances, location of structures, or other mitigation techniques may be required to ensure minimal impact on surrounding uses.

Auction facility.

A. In the A-2 zoning district:

1. The auction facility shall only auction livestock or other agricultural products.
2. The minimum lot size on which the auction facility is located shall be five (5) acres.
3. No structure shall be located closer than fifty (50) feet to any lot line and no closer than three hundred (300) feet from any residence
4. No livestock pens shall be located any closer than three hundred (300) feet from any property line.
5. The auction facility shall front on a state-maintained road unless the Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety or road usage.
6. Outdoor public address system shall be utilized only between 7:00 a.m. and 9:00 p.m.
7. No item shall be located on the property for more than four (4) weeks unless stored in a building.

B. In the RV and B-1 zoning districts:

1. Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
2. All products and sales shall be fully contained indoors.
3. The use shall front on a state-maintained road.

Automobile graveyard.

- A. The graveyard shall be located within a fully fenced area and screened.
- B. The height of the fencing and screening shall be no lower than the functions/items being screened.

Bed and breakfast inn.

- A. For any establishment that is not located on a state-maintained road, a copy of the deed establishing an adequate right-of-way easement shall be provided to the Zoning Administrator.
- B. The owner or manager shall live on site and shall provide full-time management of the premises at all times when the establishment is occupied by guests.

- C. A bed and breakfast inn shall have no more than five (5) guest bedrooms for transient overnight occupancy.
- D. The establishment shall provide breakfast for overnight guests only.

Biomass conversion facility.

In the A-1 or A-2 zoning district:

- A. At least fifty percent (50%) of the biomass shall be produced on-site or produced by the owner of the conversion equipment.
- B. Hours of operation shall be limited to between 6:00 a.m. and 9:00 p.m. or such period as established by the Board of Supervisors.
- C. No structure used for storage of biomass and no outside storage of biomass shall be located closer than 100 feet to any lot line and no closer than 200 feet from any residence.
- D. Any biomass conversion facility, not to include office or biomass storage space, shall occupy no more than four thousand (4,000) square feet.
- E. Each biomass conversion facility shall be set back from all existing dwellings not owned by the owner of the biomass conversion facility, as follows:
 - 1. From an existing dwelling in the A-1 district, three hundred (300) feet;
 - 2. From an existing dwelling in the A-2 district, six hundred (600) feet;
- F. Each biomass conversion facility shall be setback from property lines one hundred fifty (150) feet and shall be setback from the travel surface of public roadways at least one hundred (100) feet.

Campground.

- A. In the A-2 zoning district, the use shall front on and access a state-maintained road unless the Board of Supervisors finds that the type and amount of traffic generated by the use is such that it will not cause an undue impact on the neighbors or adversely affect safety or road usage.
- B. In the A-2 and R-4 zoning districts:
 - 1. No recreational vehicle, camping sites, structure, or facility shall be located closer than one hundred (100) feet to any property line.
 - 2. No more than two (2) full-time dwelling units shall be permitted. Full time occupancy shall be limited to the campground owner or employee.
 - 3. Non-full-time occupancy shall be limited to thirty (30) days within a period of three (3) months.
 - 4. All associated uses and their location within the campground shall be shown in a site plan. Associated uses include public use facilities such as roads, restrooms, and service

buildings, and may include recreational amenities such as swimming pools and playgrounds.

Car Wash.

- A. In the R-4 zoning district, the car wash shall not serve tractor-trailers.
- B. In the MXU, B-1, B-2, and PCD zoning districts the car wash shall serve neither recreational vehicles nor tractor-trailers.
- C. In the I-1, I-2, and PID zoning districts, the car wash shall serve recreational vehicles or tractor-trailers only.

Carpet and rug cleaning service.

- A. In the MXU, B-2, and PCD zoning districts, no on-site cleaning shall be permitted.
- B. In the I-1, I-2, and PID zoning districts, no customer pick-up or drop-off shall be permitted.

Cemetery.

In the A-1, RR-1, R-1, R-2, R-3, PSF, and PG zoning districts, a cemetery shall be either a family cemetery or shall be a cemetery accessory to a church or other place of worship and shall be located on the same parcel as the church or other place of worship, or on an adjoining parcel.

Community Center.

In the A-1 and A-2 zoning districts, the community center shall be located in a structure at least three (3) years old.

Company store.

- A. The interior floor area of the company store shall not exceed fifteen hundred (1,500) square feet.
- B. Access to the company store shall be separated from industry-related traffic.
- C. On-site pedestrian and vehicular circulation shall be separated from industry-related traffic.
- D. Any outdoor display shall be separated from the industrial area.

Contractor's operation.

- A. In the A-1, A-2, and RV zoning districts:
 - 1. No more than five (5) persons shall be engaged in the operation of the business, including part-time employees and proprietors.
 - 2. No more than five (5) vehicles or pieces of equipment (other than employees' personal vehicles) shall be operated from the site or stored there overnight.

3. Property on which the business is located must front on a state-maintained road.
 4. The area covered by all structures used in connection with such use, excluding a parking area, shall not exceed a total of thirty-five hundred (3,500) square feet.
 5. There shall be no outside storage except for large contracting equipment, which shall be screened.
- B. In the RV zoning district, all exterior operations, including but not limited to prefabrication of forms, wall panels, and fencing, shall be limited to 7 a.m. to 8 p.m.
 - C. In the B-1 district, the operation shall be limited to offices only.

Cultural center.

In the A-1, A-2, RV, R-2, R-3, PSF, and R-5 zoning districts, the cultural center shall be located either in a building or on a site listed in the National Register of Historic Places, Virginia Landmarks Register, or designated a Century Farm, or determined to have historic value by the Shenandoah Valley Battlefields Foundation.

Daycare, adult.

- A. In the A-1 zoning district, the daycare shall be within the primary residence of a provider or client.
- B. In the R-3, PSF, and PMF zoning districts, if not within the primary residence of a provider or a client, hours of operation shall be limited to between 6:00 a.m. and 7:00 p.m.

Daycare, child.

- A. In the A-1, A-2, R-1, R-2, PSF, and PG zoning districts, the daycare shall be provided within the primary residence of a provider or a client.
- B. In the R-3 and PMF zoning districts, if not within the primary residence of a provider or a client, hours of operation shall be limited to 6:00 a.m. to 7:00 p.m.
- C. In the I-1 and I-2 zoning districts, the use must be accessory to the primary use(s) in the district and 50% of the clients shall be from employees of the primary use(s). The use may operate 24 hours/day.

Dwelling, accessory.

- A. The area used for the accessory dwelling shall not exceed one thousand (1000) square feet or fifty percent (50%) of the square footage of the primary dwelling, whichever is less.
- B. The primary residence shall receive a certificate of occupancy prior to or concurrent with a certificate of occupancy being issued for the accessory dwelling.
- C. Only one accessory dwelling shall be permitted per primary dwelling.

- D. The accessory dwelling shall be located no more than sixty (60) feet from the rear and no more than twenty-five (25) feet from the side of the primary dwelling and shall not be subdivided from it.
- E. In the R-1, R-2, PSF, MXU, R-4, and R-5 zoning districts:
 - 1. An accessory dwelling shall be permitted only on lots designated in a proffered and approved plan or master plan.
 - 2. All accessory dwellings shall have direct vehicular access to a public or private street.

Dwelling, accessory apartment.

- A. Only one accessory apartment per parcel
- B. Total square footage of accessory apartment shall be no greater than the total square footage of the primary use.

Dwelling, apartment building.

- A. Each apartment building shall be accessed from a dedicated public or private street.
- B. The maximum length of any apartment building shall be two hundred (200) feet.

Dwelling, farm-worker.

In the A-1 and A-2 zoning districts:

- A. No more than two (2) farm-worker dwellings shall be allowed on parcels where there are at least fifteen (15) acres per additional dwelling. Dwellings shall be arranged in such a manner that, if the parcel of land on which any dwelling is located is at any time subdivided, no nonconforming lot or structure shall thereby be created.
- B. If a farm-worker dwelling is divided from the parent tract, the farm-worker dwelling becomes the primary dwelling of the new parcel and must adhere to all regulations and restrictions as such.

Dwelling, in-house security service.

Only one (1) in-house security service dwelling shall be permitted for any one use.

Dwelling, manufactured home.

- A. All manufactured homes shall display a HUD seal of approval or the seal of a testing facility approved by the Commonwealth of Virginia. All manufactured homes shall meet the plumbing, electrical, building, and anchoring requirements of the Uniform Statewide Building Code.
- B. All manufactured homes shall be completely skirted, such that no part of the undercarriage shall be visible to a casual observer, with a durable material with a life expectancy of at least

five (5) years. Any manufactured home shall be skirted within sixty (60) days of final inspection.

- C. All wheels, tongues, and similar devices designed for the transportation of the unit shall be removed or completely concealed by the skirting. Tires shall be removed from the unit and shall not be stored under the unit.
- D. Manufactured homes shall be considered main structures and subject to the regulations and provisions pertaining thereto.
- E. Manufactured homes shall only be used for residential single-family dwelling purposes, except that manufactured homes may be used as offices on a manufactured home dealer's lot and as an office in a manufactured home park or mixed home subdivision by the park owner or manager of the park or subdivision.
- F. Manufactured homes shall be neither used for storage buildings nor stored on property except on manufactured home sales lots approved by the County.
- G. No manufactured home shall be moved onto any lot, whether in a park, subdivision, or on private land without first obtaining proper permits from the County.
- H. Gasoline, liquefied petroleum, gas, or oil storage tanks shall be so installed as to comply with all county, state, and federal fire prevention and protection regulations.
- I. All structures accessory to a manufactured home, whether in a park, subdivision, or on private land, erected or constructed after October 1, 2014 shall meet the following requirements:
 - 1. All accessory structures shall meet the requirements of the Uniform Statewide Building Code.
 - 2. Any accessory structure placed on a manufactured home lot shall be accessory only to the manufactured home.
 - 3. At a minimum, a four (4)-foot by four (4)-foot landing shall be required at each door and shall be in place prior to final inspection and occupancy of the home.
 - 4. No porches, decks, or accessory structures shall be constructed or erected, whether in a park, subdivision, or on private land, without first obtaining proper permits from the County.
- J. Site preparation, utility connections, skirting installation, and maintenance of the manufactured home shall meet the requirements of the Uniform Statewide Building Code.
- K. For the purpose of this chapter, any home constructed prior to 1976, known as a mobile home, shall meet the same requirements as a manufactured home.

Dwelling, rowhouse

- A. Each rowhouse shall be accessed by a dedicated public or private street.

- B. No more than eight (8) rowhouses shall be included in any rowhouse grouping.
- C. Attached rowhouses shall be separated by a noncombustible party wall to the roofline.
- D. The facades of rowhouse dwelling units shall have variation in materials or design, so that not more than two (2) abutting units will have the same, or essentially the same, architectural treatment of facades.
- E. No more than two (2) abutting units shall have the same front setback. Setbacks for abutting units shall be no less than two (2) feet in variation.

Dwelling, single family detached with independent living quarters.

- A. No more than one (1) independent living quarter shall be permitted in any single-family dwelling;
- B. Independent living quarters shall not be metered separately for water or electric service or be separately connected to the public water or sewer system;
- C. No independent living quarters shall be constructed or occupied in any dwelling unless:
 - 1. The owner of record personally resides in such dwelling;
 - 2. The independent living quarters are occupied by a person or group of persons meeting the definition of family in this ordinance;
 - 3. The independent living quarters or dwelling in which it is located is occupied by at least one (1) person who is sixty-two (62) years of age or older or disabled; or
 - 4. The person living in the independent living quarters is the caretaker for either another person living in the independent living quarters or in the dwelling in which it is located;
- D. No independent living quarters shall have a floor area in excess of six hundred (600) square feet or twenty-five percent (25%) of the floor area of the dwelling in which it is located, whichever is greater;
- E. Independent living quarters shall not be constructed for rental purposes nor shall any independent living quarters or dwelling in which it is located be used for purposes of transient occupancy or timeshare. For purposes of this section, the term "transient occupancy" shall mean occupancy for periods of less than ninety (90) consecutive days.
- F. Permits.
 - 1. Applications for independent living quarters in a single-family dwelling shall be made to the Zoning Administrator and must be signed by at least one (1) owner of record of the property upon which the independent living quarters shall be located.
 - 2. A statement submitted to the Zoning Administrator, certifying that the dwelling and the independent living quarters shall comply with these supplemental standards pertaining to independent living quarters.

3. After obtaining approval from the Zoning Administrator for the independent living quarters, a building permit shall be obtained to construct the independent living quarters within the dwelling on the property and all the necessary inspections shall be obtained.
4. When constructed at the same time as the residence, neither the residence nor the independent living quarters shall be occupied until such time as a certificate of occupancy is obtained from the County. When the independent living quarters are put in an existing single-family dwelling, the independent living quarters shall not be occupied until a certificate of occupancy is obtained from the County.
5. No independent living quarters shall be placed in any single-family dwelling, whether an existing dwelling or new dwelling, after adoption of this section, without first obtaining the proper permits from the community development department.

Dwelling, Temporary family health care structure.

For a temporary family health care structure, the following supplemental standards shall be met:

- A. A temporary family health care structure shall be accessory to a primary single family detached dwelling only.
- B. Only one (1) temporary family health care structure shall be permitted on any lot on which a single family detached dwelling is located.
- C. The applicant shall show that the mentally or physically impaired person is a resident of Virginia who requires assistance with two (2) or more activities of daily living, as defined in §63.2-2200 of the Code of Virginia, as certified in writing by a physician licensed by the Commonwealth of Virginia.
- D. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Zoning Administrator. A fee shall be charged, as set forth by the Board of Supervisors.
- E. Any temporary family health care structure installed pursuant to this section shall be required to connect to any water, sewer, and electric utilities serving the primary single family detached dwelling on the property and shall comply with all applicable requirements of the Virginia Department of Health.
- F. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- G. The caregiver shall provide evidence of compliance with this section on an annual basis, by January 31 of each year, as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the Zoning Administrator of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.
- H. Any temporary family health care structure installed pursuant to this section shall be removed within sixty (60) days from when the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.

- I. The Zoning Administrator may revoke the permit if the permit holder violates any provision of this section. Additionally, the Board of Supervisors may seek injunctive relief or other appropriate actions or proceedings in the circuit court to ensure compliance with this section.

Equestrian facility.

- A. Each equestrian facility shall be set back from property lines one hundred fifty (150) feet and from the travel surface of public roadways at least one hundred (100) feet.
- B. Setbacks from existing dwellings may be reduced by the mutual consent of the equestrian facility operator and adjacent landowner. The setback from property lines may be reduced by mutual consent of the equestrian facility operator and landowners whose property lines fall within the one hundred fifty (150)-foot setback distance. In no case, however, shall such setback from property lines be less than seventy-five (75) feet. Consent shall be evidenced by a notarized affidavit stating the agreed-upon distance between the existing dwelling and the equestrian facility. The notarized affidavit shall be presented to the Zoning Administrator. The setback from public roadways shall not be subject to reduction.
- C. Hours of operation, other than work normally done by the manager of the facility for the maintenance and care of the horses, shall be from 6:00 a.m. until 11:00 p.m.
- D. The owner of the equestrian facility shall submit as a part of the application a plan for waste disposal.
- E. In the A-1 and A-2 zoning districts:
 1. Minimum parcel size for each equestrian facility shall be six (6) acres.
 2. Each equestrian facility shall be set back from all existing dwellings not owned by the owner of the equestrian facility, as follows:
 - a. in the A-1 district, three hundred (300) feet;
 - b. in the A-2 district, six hundred (600) feet;

Event center.

In the A-1, A-2, and RV districts:

- A. The event center shall be located within a residence or in a building on the same parcel as a residence.
- B. The owner or manager shall live on the property and shall provide full-time management of the establishment.
- C. Hours of operation shall be limited to 6 a.m. to 11:00 p.m.

Farm market.

- A. In the A-1, A-2, and RV zoning districts:
 - 1. A minimum of twenty-five percent (25%) of the products sold must be agricultural products produced within Rockingham County.
 - 2. The sales area for companion items intended to be used with the agricultural products shall be limited to ten percent (10%) of the total area devoted to sales. The calculation of total sales area shall include areas devoted to the display of items for sale.
 - 3. Permitted companion products include garden accessories, baked goods, floral supplies, arts and crafts, and items directly related to the culture, care, use of, or processing of agricultural products. Companion products do not include lawn mowers, farm machinery and equipment (except hand tools), building materials, furniture, or other like items.

Farm winery.

- A. If, in the event of drought, natural disaster, disease, or other cause beyond the control of the owner, there are not sufficient grapes grown on the premises to allow the owner to meet normal annual production, the owner may petition in writing for a one (1) year waiver of the fifty-one (51) percent rule.
 - 1. For the rule to be waived, approval must be given by both the State Alcoholic Beverage Control Board and the Zoning Administrator, and the owner shall be notified in writing by the Zoning Administrator of such waiver.
 - 2. The fifty-one percent (51%) rule shall not be waived for more than three consecutive years.
- B. Facilities for fermenting and/or bottling wine shall not be established until the vineyard, orchard or other growing area has been established and is in production.

Feed mill.

In the A-1 and A-2 zoning districts:

- A. Sales from the feed mill shall be limited to wholesale sales.
- B. The feed mill shall be set back three hundred (300) feet from dwellings and one hundred (100) feet from property lines. These setbacks are reducible by mutual consent to one hundred (100) feet from a dwelling and fifty (50) feet from a property line.

Flea market.

- A. In the RV and B-1 zoning district, no outdoor storage shall be permitted. The flea market shall be operated within a fully enclosed building.
- B. In the A-2 zoning district:
 - 1. Storage or display shall not be permitted except on days the flea market is open to customers.

2. A flea market which is open more than three days per week shall be operated within a fully enclosed building.

Funeral home, crematory.

- A. In the A-1 zoning district, no new funeral home or crematory shall be permitted.
- B. In the A-2 and RV zoning districts, any existing funeral home or crematory shall not require a Special Use Permit to expand.

Home business.

- A. The home business shall be clearly incidental and secondary to the use of the dwelling.
- B. No separate entrance or separate driveway shall be permitted for the home business.
- C. The home business shall be operated by residents of the dwelling unit. If the applicant is a tenant, written permission of the land owner is required. The operator of the business may have two (2) employees that do not reside on the premises.
- D. The home business shall not cause change to the exterior of the dwelling. There shall be no outdoor display or storage of materials, goods, supplies, or equipment in relation to the home business.
- E. The home business shall not occupy more than thirty (30) percent of the residential floor area of the dwelling. A properly permitted accessory building may be used when the total area of the home business does not exceed thirty (30) percent of the residential floor area of the dwelling or seven hundred fifty (750) square feet, whichever is less.
- F. The home business shall not generate more than an average of two (2) customer or vendor vehicular round trips per hour during the hours of operation. Any use that requires greater than a low volume commercial entrance from VDOT shall not be considered to be a home business.
- G. For the purpose of safety, review by the VDOT shall be necessary, and will be completed within twenty-one (21) working days of receipt of the application. This review will determine if sight distance and other safety factors are in accordance with the current VDOT regulations or if upgrades to the entrance are necessary. If the entrance is deemed unsafe by VDOT for a home business, the permit shall not be granted.
- H. Review by the Health Department, Fire & Rescue, Public Works, and the Building Official shall be required to determine the appropriateness of the proposed home business, and will be completed within twenty-one (21) working days of receipt of the application. If the request is not deemed appropriate by any of the agencies the home business permit shall not be granted. Requirements placed on the applicant by any of these agencies shall become conditions of the home business and shall be met.
- I. Only one vehicle, except for employee and customer vehicles, associated with the home business may be parked on premises. Except in the A-1 and A-2 zoning districts, such vehicles shall not exceed two and one-half (2 1/2) tons.

- J. Signs shall be permitted and shall not exceed four (4) square feet with no dimension greater than thirty-six (36) inches. In all cases, signs shall not exceed five (5) feet in height and shall be set back at least five (5) feet from all property lines and road rights-of-way. No other signs shall be permitted. There shall be no window displays of products, goods, or commodities.
- K. More than one home business may be permitted on a property. The above limitations shall apply to the combined uses.
- L. There shall be no deliveries associated with the home business prior to 8:00 a.m. or later than 8:00 p.m. Deliveries made in association with the home business shall not restrict traffic circulation on a public street or to other properties on a private street or driveway.
- M. Any use that requires a special use permit in the zoning district for which the home business request is made shall not be permitted under a home business permit.
- N. Non-compliance with these standards shall result in the revocation of the permit by the Zoning Administrator.

Home occupation.

- A. The home occupation shall be clearly incidental and secondary to the use of the dwelling.
- B. No separate entrance or separate driveway shall be permitted for the home occupation.
- C. The home occupation shall be operated only by residents of the dwelling unit. If the applicant is a tenant, written permission of the land owner is required.
- D. The home occupation shall not cause change in the exterior of the dwelling. There shall be no outdoor display or storage of materials, goods, supplies, or equipment in relation to the home occupation.
- E. The home occupation shall not occupy more than twenty-five percent (25%) of the residential floor area of the dwelling. A properly permitted accessory building may be used when the total area of the home occupation does not exceed twenty-five percent (25%) of the residential floor area of the dwelling or five hundred (500) square feet, whichever is less.
- F. In the MH-1 and MHP districts, accessory buildings shall not be used for home occupations.
- G. The home occupation shall not generate any customer traffic.
- H. The Zoning Administrator may require review by additional agencies if deemed necessary.
- I. Only one vehicle associated with the home occupation may be parked on premises. Except in the A-1 and A-2 zoning districts, such vehicles shall not exceed two and one-half (2½) tons.
- J. More than one home occupation may be permitted in a single residence. The above limitations shall apply to the combined uses.

- K. There shall be no deliveries associated with the home occupation prior to 8:00 a.m. or later than 8:00 p.m. Deliveries made in association with the home occupation shall not restrict traffic circulation on a public street or to other properties on a private street or driveway.
- L. Any use that requires a special use permit in the zoning district for which the home occupation request is made shall not be permitted under a home occupation permit.
- M. Non-compliance with these standards shall result in the revocation of the permit by the Zoning Administrator.

Kennel operation, commercial.

- A. Any buildings, runs, or containment areas associated with a commercial kennel operation shall meet the following setbacks:
 - 1. One hundred fifty (150) feet from any property line, reducible to seventy-five (75) feet if notarized consent is obtained from the affected adjoining landowner and submitted as a part of the special use permit package.
 - 2. Three hundred (300) feet to any dwelling on adjoining property, reducible if the affected adjoining landowner gives notarized consent which must state the agreed upon distance any buildings, runs, or containments areas shall be from the residence.
 - 3. One hundred (100) feet from any public road. This setback is not reducible.
- B. The owner of the kennel operation shall submit a plan for waste disposal. The plan shall show how wastewater from the wash down of the kennels is to be collected and the type of disposal proposed.
- C. All dogs in a commercial kennel operation shall be housed in a fully enclosed building from 9:00 p.m. until 6:00 a.m.

Kennel operation, private.

In the A-1 and A-2 zoning districts, the keeping of over ten (10) dogs for the owner's private enjoyment shall be considered a private kennel operation and any buildings, runs, or confinement areas shall be subject to the following setbacks.

- A. One hundred fifty (150) feet from any property line. That setback is reducible to seventy-five (75) feet if notarized consent is obtained from the affected adjoining landowner.
- B. Three hundred (300) feet to any dwelling on adjoining property, reducible if the affected adjoining landowner gives notarized consent which must state the agreed upon distance the kennel operation shall be from the residence.
- C. One hundred (100) feet from the travel way of public roadways. This setback is not reducible.
- D. The owner of the kennel operation shall submit a plan for waste disposal to the Zoning Administrator. The plan shall show how wastewater from the wash down of the kennels is to be collected and the type of disposal proposed.

Landscaping service.

A. In A-1, A-2, and RV zoning districts:

1. The sales area for companion products, including garden accessories, floral supplies, and other items directly related to the culture, care, or use of horticultural products shall be limited to twenty-five percent (25%) of the gross sales area.
2. Companion products shall not include lawn mowers, garden tractors, farm machinery and equipment (except hand tools), building materials, furniture, or other like items
3. Hours of operation shall be from 6:00 a.m. to 9:00 p.m.

B. In the RV, R-4, MXU, B-2, and PCD zoning districts, all landscaping service equipment and materials shall be entirely within a building or completely screened from view.

C. In the B-1 zoning districts, the landscaping service may include a completely enclosed accessory facility for the production of molded concrete products.

Laundry, dry cleaning, laundromat.

In the RV zoning district, this use shall be limited to drop-off and pick-up services only.

Livestock sales facility.

In the A-1 and A-2 zoning districts:

- A. The minimum lot size on which the facility is located shall be five (5) acres.
- B. No structure shall be located closer than fifty (50) feet to any lot line and no closer than three hundred (300) feet from any residence
- C. No livestock pens shall be located any closer than three hundred (300) feet from any property line.
- D. The facility shall front on a state-maintained road.
- E. No outside public address system shall be utilized.

Machinery and equipment center.

In the A-1, A-2, and RV zoning districts:

- A. No more than six (6) pieces of equipment related to servicing shall be parked outside the structure in which the use is located.
- B. Only agricultural machinery and equipment shall be rented, sold, maintained, or repaired.
- C. The use shall be located within an existing agricultural structure that is at least three (3) years old.

- D. No outdoor display or outdoor storage shall be permitted
- E. Hours open to the public shall be limited to 6 a.m. to 9:00 p.m.
- F. Direct access shall not be provided by a private right-of-way.
- G. No structure shall be located closer than fifty (50) feet to any lot line and no closer than three hundred (300) feet from any residence.

Meat processing facility.

A. In the A-1 and A-2 zoning districts:

- 1. The facility shall not exceed two thousand (2,000) square feet of enclosed work space, excluding refrigeration, storage, and holding pens.
- 2. All holding pens shall be completely under roof and screened from view from public streets and adjoining properties.
- 3. All loading and unloading areas for animals shall be screened from adjoining properties and from public streets.
- 4. Any structure or loading or unloading area associated with the use shall be located at least fifty (50) feet from any property line, and three hundred (300) feet from any existing dwelling.

B. In the RV zoning district:

- 1. The facility shall not exceed two thousand (2,000) square feet of enclosed work space, excluding refrigeration and storage.
- 2. No live animals shall be permitted.
- 3. Any structure or loading or unloading area associated with the use shall be located at least fifty (50) feet from any property line, or three hundred (300) feet from an existing dwelling.

Medical office or clinic.

In the A-2 zoning district, the clinic and all accessory uses shall be within the same structure.

Metal-working facility.

A. In the A-1, A-2, and RV zoning districts:

- 1. All outside storage shall be screened from parking areas and adjoining property lines.
- 2. No foundries shall be permitted.

B. In the A-1 and A-2 zoning districts:

1. A metal-working facility shall service only farm-related equipment and farm-related facilities.
2. The use shall front on and be accessed by a state-maintained road.

C. In the RV zoning district:

1. Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.
2. The use shall front on and be accessed by a state-maintained road.

Mini-storage facility.

- A. Impervious area, defined as the percentage of the building and pavement lot area covered by the storage structures and any accessory structure, driveway, and parking area, shall not exceed seventy-five percent (75%) for a given lot.
- B. All storage shall be located entirely within the structure.
- C. No hazardous, toxic, or explosive materials shall be stored on the premises. Signs shall be posted within the facility describing such limitations.
- D. Hours of operation shall be limited to 6 a.m. to 9:00 p.m.
- E. No businesses shall be operated inside any unit of the mini-storage facility.

Motor vehicle repair shop.

A. In the A-2 and RV zoning districts:

1. No more than six (6) vehicles awaiting service or pick-up shall be parked outside the structure in which the use is located.
2. No junked vehicles shall be located on the property.
3. No vehicles shall be sold from the site.
4. No outdoor display or outdoor storage of new or used automobile parts shall be permitted.
5. Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.

B. In the MXU, B-1, B-2, and PCD zoning districts, repair shall include neither recreational vehicles nor tractor trailers.

C. In the I-1, I-2, and PID zoning district, repair shall not include neither passenger vehicles nor motorcycles.

Motor vehicle sales lot.

- A. In the RV, B-1, and PCD zoning districts, sales shall not include tractor-trailers.
- B. In the I-1, I-2, and PID zoning districts, sales shall not include passenger vehicles or motorcycles.

Motor vehicle tow service.

In the RV, B-1, B-2, MXU, and PCD zoning districts, no on-site storage of towed vehicles shall be permitted.

Office.

In the PG zoning district, the office shall be for government services only.

On-farm activities.

On-farm activities shall be accessory to a bona fide agricultural operation.

Parking facilities.

- A. In the A-1, A-2, RV, R-3, and PMF zoning districts, parking facilities shall be park-and-ride facilities.
- B. In the I-1 and I-2, this use shall comply with the following:
 - 1. Publicly or privately operated parking facilities shall not be used by the general public, but shall be for the sole purpose of providing parking for adjoining and nearby industrial uses.
 - 2. Pedestrian circulation shall be designed to promote pedestrian and vehicular safety.

Pit privies.

- A. Pit privies shall be associated with recreational or seasonal uses/structures.
- B. Pit privies shall be set back a minimum of one hundred (100) feet from property lines and five hundred (500) feet from any full-time residence on adjoining property.
- C. No pit privies shall be approved for properties located within a platted subdivision.
- D. No pit privy shall be approved for full-time occupancy of a structure, except for the replacement and relocation of an existing, approved pit privy.
- E. All plumbing shall be removed from any structure for which a pit privy is approved, and the zoning office shall reserve the right to make inspections of the property should conditions warrant.

- F. Structures approved for recreational or seasonal use on a pit privy shall only be converted to full-time living if a change of use permit is obtained and an approved sewage disposal system is located and installed prior to use of the structure for full-time living.

Portable Storage Unit.

- A. The portable storage unit shall remain at the site requiring temporary storage for no more than thirty (30) days within any twelve (12) month period.
- B. The portable storage unit shall meet all setback requirements for the use to which it is accessory.

Quarry operation.

- A. Any activity, use, facilities, equipment, structure, or storage, with the exception of offices, shall be located at least three hundred (300) feet from a non-participating parcel and at least five hundred (500) feet from habitable structures not owned or leased by the controlling entity. The Board of Supervisors may increase these distances, as necessary.
- B. Buildings devoted solely to office/administrative uses shall be located not less than one hundred (100) feet from a non-participating parcel.
- C. The use shall front on a state-maintained road unless the Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety or road usage.
- D. Hours of operation shall be limited to 6:00 a.m. to 8:00 p.m. or such period as established by the Board of Supervisors. Active blasting shall be limited to the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday.
- E. The Board of Supervisors shall require screening, planting, fencing, preservation of trees, or other requirements to ensure the minimal impact of the use on surrounding uses.
- F. Any berms constructed on the perimeter of the operation shall be at least 8 feet high and not steeper than a 3:1 slope.
- G. Any fences constructed on the perimeter of the operation for the purpose of preventing access to the property shall be at least five (5) feet high and set back from any on-site excavation by at least fifty (50) feet.

Recreational vehicle storage area.

In the R-4 and R-5 zoning districts, the following supplemental standards shall be met:

- A. Recreational vehicle storage is for the sole use of visitors and residents of the development project in which it is located.
- B. The recreational vehicle storage area shall be designated on the Master Plan.
- C. Recreational vehicle storage area shall be fenced and screened.

D. No junked or inoperable recreational vehicles shall be permitted.

E. Stored recreational vehicles shall not be occupied.

Research facility.

A. In the A-1 or A-2 zoning district:

1. Research shall be limited to animal and animal products research or agricultural research.
2. Hours of operation shall be from 6:00 a.m. to 9:00 p.m. or such hours as established by the Board of Supervisors.
3. The use shall not reduce, impede, or conflict with neighboring agricultural operations.
4. No structure or holding pens shall be located closer than fifty (50) feet to any lot line and no closer than three hundred (300) feet from any residence. All holding pens shall be under roof and fenced.

B. In the MXU, B-1, PCD or PMR zoning district, no outdoor holding pens shall be allowed.

Restaurant.

In the A-2 zoning district:

- A. The use shall be located within a residence.
- B. The owner or manager shall live on the property and shall provide full-time management of the establishment.
- C. Customer service areas, including all seating and waiting areas as well as restroom facilities, shall comprise no more than thirty percent (30%) of the living space of the residence.
- D. Hours of operation shall be limited to 6 a.m. to 11:00 p.m.

Retail use not otherwise listed.

- A. In the RV zoning district, the retail use shall occupy no more than fifteen hundred (1,500) square feet.
- B. In the MHP zoning district, the retail use shall serve primarily the residents of the manufactured home park in which it is located.

Sawmill or lumber mill.

- A. A permanent sawmill or lumber mill in the A-1 or A-2 zoning district shall comply with the following:
1. No structure used for storage of and no outside storage of lumber, logs, chips, sawdust, and timber shall be located closer than fifty (50) feet to any lot line and no closer than three hundred (300) feet from any residence.
 2. No structure housing or enclosing a sawmill or lumber mill shall be located closer than four hundred (400) feet to any lot line.
 3. The setbacks for a permanent sawmill or lumber mill may be reduced by the mutual consent of the adjoining landowner and the landowner on which the sawmill or lumber mill is sited. Consent shall be evidenced by a notarized affidavit stating the agreed-upon distance between the buildings where sawing and planing are conducted and the property line. The notarized affidavit shall be presented to the Zoning Administrator at the time the sawmill or lumber mill operator or the landowner, on which the sawmill or lumber mill is proposed to be sited, applies for a special use permit.
 4. The use shall front on and access a state-maintained road.
 5. The hours of operation for the office or sales shall be limited to 5:00 a.m. to 9:00 p.m. or such period as established by the Board of Supervisors. The running of saws, planes, and other related equipment shall be limited to 6 a.m. to 9 p.m. Trucks may make deliveries outside these hours.
- B. A temporary sawmill or lumber mill in the A-1 or A-2 zoning district shall comply with the following:
1. A temporary sawmill or lumber mill shall operate for only one (1) year. The time can be extended for up to one (1) additional year at the discretion of the Zoning Administrator.
 2. No making of trusses and other components, or millwork is permitted.
 3. No retail sales are permitted.
 4. A temporary sawmill or lumber mill shall process only timber cut from the parcel on which the temporary sawmill or lumber mill is located or from immediately adjacent parcels.
 5. Buildings associated with a temporary sawmill or lumber mill shall be limited to shelter for the sawmill or lumber mill equipment and essential shelter for personnel. No building shall be erected for the storage, processing, or drying of green lumber.
 6. No storage of lumber, logs, chips, sawdust, and timber shall be located closer than one hundred (100) feet to any lot line and no closer than two hundred (200) feet from any residence.
 7. No temporary sawmill or lumber mill shall be located closer than four hundred (400) feet to any lot line. This setback may be reduced by the mutual consent of the adjoining

landowner and the landowner on which the sawmill or lumber mill is sited. Consent shall be evidenced by a notarized affidavit stating the agreed-upon distance between the areas where sawing occurs and the property line. The notarized affidavit shall be presented to the Zoning Administrator at the time the sawmill or lumber mill operator or the landowner, on which the sawmill or lumber mill is proposed to be sited, applies for a special use permit.

8. Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m. or such period as established by the Board of Supervisors.
9. For any establishment that is not located on a state-maintained road, a copy of the deed establishing an adequate right-of-way easement shall be provided to the Zoning Administrator.

School.

In the RR-1, R-1, R-2, R-3, PSF, PMF, PG, R-5, MXU, and PCD zoning districts, instruction shall be held primarily within a building.

Shooting range, indoor.

- A. An indoor shooting range shall be sound-proofed.
- B. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m.

Shooting range, outdoor.

- A. The minimum size of the use area shall be ten (10) acres, with the drop zone contained fully within this use area.
- B. No structure used for or in conjunction with the use shall be located closer than one hundred (100) feet to any property line.
- C. No outdoor shooting activity shall be located closer than three hundred (300) feet to any property line.
- D. Hours of operation shall be limited to 9:00 a.m. to 5:00 p.m.

Sports complex.

- A. All outdoor events shall be scheduled so as to complete all activity before or as near to 11:00 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude an event that was reasonably scheduled to conclude prior to 11:00 p.m.
- B. A lighting plan shall be submitted and shall include the lighting requirements for each sports field, the specifications and technical measures showing how those requirements will be achieved.

Taxidermy.

In the A-2 zoning district:

- A. The use shall be in or accessory to the primary residence.
- B. The owner of the use shall submit a plan for waste disposal.

Temporary structure.

- A. The temporary structure shall be for uses incidental to construction work and real estate sales only.
 - 1. The temporary structure for construction shall be removed upon completion or abandonment of the construction work.
 - 2. The temporary structure for real estate sales shall be removed after eighty percent (80%) of the parcels are sold.
- B. In the A-1 and A-2 zoning districts, where a manufactured home provides lodging during the construction of the permitted primary dwelling, the manufactured home shall be removed within ninety (90) days of the primary dwelling passing final inspection.

Theater.

- A. In the RV zoning district, the theater shall include only one (1) stage or screen.
- B. In the B-2 zoning district, the theater shall be completely enclosed.

Warehouse.

- A. In the A-1 and A-2 zoning districts:
 - 1. Storage shall only occur within an agricultural structure at least three (3) years old.
 - 2. No hazardous materials shall be stored on the premises.
 - 3. All storage shall be located entirely within the structure.
 - 4. No businesses shall be operated inside any agricultural structure used for storage.
- B. In the RV, B-1, and PMR zoning districts, the warehouse shall be an accessory structure with no greater footprint than the primary structure.
- C. In the RV zoning district, the business and the warehouse shall not exceed fifteen thousand (15,000) square feet of total floor area.
- D. In the I-1, I-2, and PID zoning districts, the warehouse may include a distribution center.

Water storage tank.

In the A-1 and A-2 zoning districts a water storage tank shall satisfy pressure demand for an associated on-going agricultural operation only. The tank may be used for fire suppression beyond the agricultural operation.

Wind energy systems, large-scale.

- A. Wind energy conversion systems shall be constructed and operated in locations that minimize adverse safety and environmental impacts. Approval shall not be granted unless it is found in writing that:
 - 1. The use will not pose a significant adverse impact to health or public safety, or on the natural resources of the neighborhood;
 - 2. There will be no serious hazard to pedestrians or vehicles from the use; and
 - 3. Adequate and appropriate facilities will be provided for the proper operation of the wind energy conversion system.
- B. Wind energy structures shall maintain a painted, coated, or galvanized steel finish, unless FAA standards require otherwise, or if the owner is attempting to have the structure conform to the surrounding environment and architecture, in which case the owner may propose an alternative to reduce visual obtrusiveness.
- C. Wind energy conversion systems shall not be artificially lighted unless required by the FAA or an appropriate authority.
- D. The applicant shall provide photo-simulations of the proposed wind energy conversion system from at least three (3) different locations. The simulations shall show views of the simulated wind energy structures from locations, such as property lines and roadways, as deemed necessary by the Zoning Administrator in order to assess the visual impact of the wind energy system.
- E. After the submission of the official application, the applicant shall conduct balloon testing at the sites identified in the photo-simulations. Balloons shall be placed at each site for at least four (4) hours and flown at a height equal to the structure height requested in the application. The total number, locations, and type of balloons will be agreed upon by the County and the applicant. The balloon testing date and time shall be advertised at least two (2) weeks prior to the actual testing date.
- F. Structures shall not have any signs, writings, or pictures that may be construed as advertising.
- G. Wind energy conversion systems and temporary meteorological towers will not require a height exception under the provisions of these siting standards.
- H. The Zoning Administrator shall provide written notification to the office of a national or state forest, national or state park, wildlife management area, or known historic or cultural resource site, if a proposed wind energy conversion system is within five (5) miles of the boundary of said entity.

- I. The applicant shall conduct two (2) public information meetings to discuss the development plans and obtain community feedback. The first meeting shall be held prior to application submission. The second meeting shall be held after the application submission but prior to the special use permit public hearing. Both meetings shall be advertised in the local newspaper of record.
- J. Height.
 1. The structure height shall not exceed five hundred (500) feet above the existing average grade.
 2. The BZA may allow the height to exceed the specified limits when, in addition to the requirements set out by the Commonwealth of Virginia for the BZA, the project applicant can demonstrate:
 - a. That the additional height is needed and would result in significant additional benefits in terms of energy production and efficiency;
 - b. By submission of substantial evidence that such height reflects industry standards for a similarly rated wind energy conversion system; and
 - c. That the proposed wind energy conversion system satisfies all other criteria for the granting of a special use permit by the Board of Supervisors.
- K. Setbacks and separation.
 1. The wind energy conversion system shall be set back a distance at least equal to one hundred twenty-five percent (125%) of the structure height from all adjoining nonparticipating property lines and a distance equal to one hundred sixty percent (160) of the structure height or eight hundred (800) feet, whichever is greater, from any residential or public use structure on neighboring property and any public use areas as determined by the Board of Supervisors. These setbacks may be reduced by notarized consent of the owner of the property on which the requested wind energy conversion system is to be erected and the adjoining landowner whose property line or dwelling falls within the specified distance. Additionally such adjoining landowner must execute a deed of easement for the benefit of the property on which the wind energy conversion system is to be erected prohibiting construction of any new structure on such adjacent property within the specified easement.
 2. Wind energy conversion systems shall meet all setback requirements for primary structures for the zoning district in which the wind energy conversion system is located in addition to the requirements set forth above.
 3. The setbacks shall be kept free of all habitable structures as long as the facility is in place; however, these areas need not be cleared of trees or other vegetation. Setbacks shall be measured from the outside surface at the base of the wind energy tower and in a horizontal direction. The Board of Supervisors may reduce or increase the setbacks as appropriate, based on site-specific considerations, and only after review of substantial evidence, including but not limited to detailed engineering reports or product engineering certification, which demonstrate that safety concerns have been adequately addressed and that setbacks have been complied with to the maximum extent practicable.

4. Such reduction of required setbacks, if granted, shall not constitute a variance from the zoning ordinance.

L. Environmental.

1. Wind energy conversion systems shall be located in a manner consistent with all applicable local and state wetlands regulations.
2. Wind energy conversion systems shall be designed to minimize land clearing, and shall avoid permanently protected open space when applicable.
3. Wind energy conversion systems shall not exceed sixty (60) decibels, as measured at the closest nonparticipating property line. An analysis, prepared by a qualified acoustical engineer, shall be provided to demonstrate compliance with the standard for sound emission. Appropriate sound mitigation measures shall be applied when necessary.
4. Wind energy conversion systems shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on habitable structures through siting or mitigation.
5. Wind energy conversion systems shall be designed, constructed, and operated without significant adverse impact to fish, wildlife, or native plant resources, including fish and wildlife habitat, migratory routes, and state or federally-listed threatened or endangered fish, wildlife, or plant species, and to meet all state and federal environmental requirements.
6. The owner, developer, and operator, jointly and severally, of the wind energy conversion system shall indemnify and hold Rockingham County harmless from any and all costs and expenses, and ordered reimbursements, penalties, and fines, to the greatest extent permissible at law, resulting from any responsibility or liability, or alleged responsibility or liability, of any description under any state or federal law or regulation arising out of the construction or operation of the wind energy system. Costs and expenses, shall include, but not be limited to, costs, expenses and attorney fees incurred in the negotiation and settlement of disputes over alleged liability, as well as those incurred in actual litigation.

- M. Wind energy conversion systems shall meet or exceed all applicable federal and state standards. If such standards and regulations are changed, then the owners and operators of the wind energy conversion systems governed by this ordinance shall bring such systems into compliance as required. Failure to comply with federal or state standards and regulations shall constitute grounds for condemnation and removal of the noncompliant systems by the County at the owner's or operator's expense.

N. Review and approval.

1. The Board of Supervisors shall require a public hearing under the special use permit process for all applications for wind energy conversion systems regulated under this section.

2. All state and federal requirements shall be met prior to application for construction of the wind energy structures with the exception of state-approved pre-construction activity. Approval letters shall be included with the application.
 3. Failure by the applicant, owner, or operator to meet the conditions of the special use permit, or failure to meet the requirements of any state or federal agency shall be grounds for the Zoning Administrator to revoke the special use permit as outlined in Article 10, Procedures.
 4. The Board of Supervisors may submit the application to the Shenandoah Valley Airport Commission for review and comments.
- O. The applicant shall submit, at the time of application for a special use permit, documentation of the legal right to install and use said property for the proposed facility. Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information. The Zoning Administrator may ask that the applicant supply an attorney's opinion letter with documentation.
- P. The applicant shall submit written documentation that the applicant or his assignee has accepted full financial responsibility for repairs to damage to private roads used during the construction or operation of the proposed facility. Private roads used to access the proposed facility, including roads that serve nonparticipating landowners, shall be restored and maintained to pre-construction conditions during operation of the facility.
- Q. The applicant, owner, and operator shall be required to provide evidence of the availability of liability insurance in an amount sufficient to cover loss or damage to persons and structures occasioned by the failure or use of the facility. Whether or not the applicant is participating in the net metering program, the applicant will be required to meet the insurance coverage requirements set forth in 20 Virginia Administrative Code 5-315-60.
- R. Application submission, associated fees, and review.
1. A completed wind energy conversion system application and all supporting documentation identified in the application filing requirements shall be submitted in accordance with the appropriate special use permit review schedule.
 2. An application fee as established by the Board of Supervisors shall be submitted with the wind energy conversion system application.
 3. Within sixty (60) days of submission, the Zoning Administrator shall review the application and make a determination of acceptance of a complete application. An incomplete application shall be returned to the applicant for correction and resubmission.
- S. Within thirty (30) days of acceptance of a complete application, the Zoning Administrator shall submit said application to an independent consultant for review and recommendations. The cost of these services will be borne by the applicant but included in the application fee.
- T. The County shall be notified of all modifications to a wind energy conversion system made after issuance of the special use permit. Such modifications shall require approval by the

Board of Supervisors in accordance with the County's process for modifications to special use permit approvals.

- U. An amendment of the special use permit shall not be required if the proposed changes reflect upgrades in technology in the models or manufacturer of wind turbines. This waiver is allowed only if the extension in the tower height is within fifteen (15) feet of the height granted and all other special use permit regulations and conditions are met.
- V. As proposed, all requirements are specified to ensure a legally defensible position by the County.
 - 1. The applicant shall maintain the wind energy conversion system in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the foundation and support structure and security barrier (if applicable), and maintenance of the buffer areas and landscaping if present. Site access shall be maintained to a level acceptable to the fire chief. The project owner shall be responsible for the cost of maintaining the wind energy conversion system and access road, unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.
 - 2. State of the station report.
 - a. The applicant shall provide to the Board of Supervisors an annual state of the station report. The report shall include a summary of all public information submitted annually to state and federal agencies.
 - b. The County Administrator and station manager or such other site officer as may be designated shall coordinate a public meeting date upon which a report shall be presented to the governing body.
 - 3. Notice shall be provided to the County of any change in ownership of the facility.

W. Abandonment or discontinuation of use.

- 1. At such time that a wind energy conversion system is scheduled to be abandoned or discontinued, the owner of the wind energy conversion system shall notify the County by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.
- 2. Within three hundred sixty-five (365) days of the date of abandonment or discontinuation, the owner of the wind energy conversion system shall physically remove the wind energy conversion system. This period may be extended at the request of the owner of the wind energy conversion system and at the discretion of the Zoning Administrator. Physical removal shall include but not be limited to:
 - a. Removal of the wind turbine and wind energy tower, all machinery, equipment, equipment shelters, security barriers, and all appurtenant structures from the subject property;
 - b. Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local and state solid waste disposal regulations;

- c. Restoration of the location of the wind energy conversion system to its natural pre-existing condition, except that any landscaping or grading may remain in the after-condition if a written request is submitted by the landowner to the Zoning Administrator.
 - d. Foundations shall be removed to a depth of four (4) feet below ground level or covered to an equivalent depth with fill material. At the time of removal, the site shall be restored to its pre-existing condition. If a written request is submitted by the landowner to the Zoning Administrator, then this requirement may be waived or altered for any other legally authorized use. Restoration shall be verified by the Zoning Administrator.
3. If the wind energy conversion system, or any part thereof, is inoperable for more than one hundred eighty (180) days and the owner fails to give such notice to the County, then the wind energy conversion system shall be considered abandoned or discontinued. The County shall determine in its discretion what proportion of the wind energy conversion system is inoperable for the wind energy conversion system to be considered abandoned.
4. Decommissioning.
- a. If an applicant fails to remove a wind energy conversion system in accordance with this section, the County shall have the authority to enter the subject property and physically remove the facility. The County shall require the applicant, and/or subsequent owners of the property or wind energy conversion system, to provide a form of surety mutually agreeable to the applicant and the County to cover costs of the removal in the event the County must remove the facility.
 - b. Prior to obtaining a certificate of occupancy from the County and on every tenth (10th) anniversary of the commencement of the operation of the project, the applicant shall provide to the County an estimate of the projected salvage value of the turbines and other equipment to be removed from the project site ("salvage value"), as well as the projected cost of removing the turbines and other equipment from the site as determined by an independent engineer mutually agreeable to the applicant and County ("gross decommissioning cost").
 - c. Based on this determination, applicant shall post and maintain decommissioning funds in an amount equal to net decommissioning cost, which is gross decommissioning cost minus salvage value.
 - d. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee, or other form of financial assurance as may be mutually acceptable to the applicant and the County.
 - e. The decommissioning funds shall be posted and maintained with a bonding company or federal or state chartered lending institution mutually agreeable to the applicant and county.

Wind energy systems, small-scale.

- A. The requirements set forth herein shall govern the siting of small wind energy systems used to generate electricity or perform work which may be connected to the utility grid pursuant to Virginia's net metering laws (Section 56-594 Code of Virginia), serve as an independent source of energy, or serve in a hybrid system.
- B. The requirements for siting and construction of all small wind energy systems regulated by this article shall include the following:
 - 1. Small wind energy towers shall maintain a galvanized steel finish, unless FAA standards require otherwise, or if the owner is attempting to conform the wind energy tower to the surrounding environment and architecture, in which case it may be painted to reduce visual obtrusiveness. A photo simulation may be required.
 - 2. Small wind energy systems shall not be artificially lighted unless required by the FAA or appropriate authority.
 - 3. Small wind energy towers shall not have any signs, writing, or pictures that may be construed as advertising.
 - 4. Small wind energy systems shall not exceed sixty (60) decibels, as measured at the closest property line; however, the level may be exceeded during short-term events such as severe windstorms.
 - 5. The applicant shall provide evidence that the proposed height of the small wind energy system tower does not exceed the height recommended by the manufacturer or distributor of the system.
 - 6. The applicant shall provide evidence that the provider of electric utility service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid. This action shall not construe approval for net metering by the electric utility service.
 - 7. The applicant shall provide information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.
 - 8. The wind energy tower height shall not exceed a maximum height of sixty-five (65) feet on a parcel of less than five (5) acres, or a maximum height of eighty (80) feet on a parcel of five acres or more.
 - 9. The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The supporting wind energy tower shall also be enclosed with a six-foot tall fence or the base of the wind energy tower shall not be climbable for a distance of twelve (12) feet.
 - 10. The applicant shall provide proof of adequate liability insurance for a small wind energy system. Whether or not the applicant is participating in the net metering program, the

applicant shall meet the insurance coverage requirements set forth in 20 Virginia Administrative Code 5-315-60.

11. The small wind energy system generators and alternators shall be constructed so as to prevent the emission of radio and television signals and shall comply with the provisions of Section 47 of the Federal Code of Regulations, Part 15 and subsequent revisions governing said emissions.
- C. Upon receipt of an application for a small wind energy system, the Zoning Administrator shall send written notification to all adjoining landowners. A decision on the application shall not be made within thirty (30) days of the receipt of the application. Applications requiring a special use permit shall meet all state code requirements for public notification.
- D. Building permit applications for wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the wind energy tower, base, and footings. An engineering analysis of the wind energy tower showing compliance with the Uniform Statewide Building Code and certified by a licensed professional engineer shall also be submitted.
- E. Wind energy systems shall comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- F. Building permit applications for wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
- G. Wind energy systems connected to the utility grid shall comply with the Virginia Administrative Code 20 VAC 5-315: Regulations Governing Energy Net Metering.
- H. The wind energy system shall be set back a distance at least equal to one hundred ten (110) percent of the structure height from all adjacent property lines and a distance equal at least to one hundred and fifty percent (150%) of the structure height from any dwelling inhabited by humans on neighboring property. These setbacks may be reduced by notarized mutual consent of the owner of the property on which the requested wind energy system is to be erected and the adjacent landowner whose property line or dwelling falls within the specified distance. Additionally such adjacent landowner must execute a deed of easement for the benefit of the property on which the wind energy system is to be erected prohibiting construction of any new structure on such adjacent property within the specified easement. Wind energy systems shall meet all setback requirements for primary structures for the zoning district in which the wind energy system is located in addition to the requirements set forth above. Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than ten (10) feet to the property line.
- I. Any wind energy system found to be unsafe by the Building Official shall be repaired by the owner to meet federal, state, and local safety standards or removed within six (6) months. Any wind energy system that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned and the owner of the system shall remove the turbine within ninety (90) days of receipt of notice from the County instructing the owner to remove the abandoned wind energy system.

Wireless telecommunications facilities.

- A. In the R-1, R-2, R-3, PSF, PMF, R-4, R-5, MH-1, and MHP zoning districts, all wireless telecommunications facilities shall be stealth.
- B. The requirements set forth in this article shall govern the siting of antennas, antenna support structures, and associated facilities unless specifically excluded herein.
 - 1. This article shall not govern any amateur radio, or its installation, if it is owned and operated by a federally licensed amateur radio station operator and used exclusively for noncommercial purposes.
 - 2. This article shall not govern any television reception antenna or its installation, if it is less than fifty (50) feet in height and is used exclusively for noncommercial purposes.
 - 3. This article shall not govern any satellite earth station antenna less than six (6) feet in diameter, which is used for noncommercial purposes.
- C. The requirements for siting, design, and construction of all wireless telecommunications facilities regulated by this article shall include the following:
 - 1. All wireless service providers and tower development companies owning and/or operating wireless telecommunication facilities in the County shall submit by February 1 of each year an inventory of their facilities identifying the following:
 - a. Antenna support structure owners shall identify the structure location (latitude and longitude), street address, structure type (e.g. monopole, guyed, etc.), structure height, and FCC antenna support registration number. Antenna support structure owners shall identify each antenna located on the structure by owner, antenna type (e.g. panel, stick, dish, etc.), and antenna height (centerline elevation).
 - b. Wireless service providers shall identify the structure owner, structure location (latitude and longitude), street address, structure type (e.g. monopole, guyed, etc.), antenna type (e.g. panel, stick, dish, etc.), antenna height (centerline elevation), and broadcast license area.
 - c. Antenna support structure owners shall notify the Zoning Administrator in writing of any change in ownership within forty-five (45) days of this action.
 - 2. Prior to submitting an application for a special use permit for the construction of a new antenna support structure, the applicant must demonstrate to the reasonable satisfaction of the County that no other structures can be utilized to reasonably achieve the applicant's radio frequency coverage objectives.
 - 3. Antenna support structures shall maintain a galvanized steel finish unless required to be painted in accordance with FAA guidelines. Antennas shall be of a neutral, non-reflective color with no logos. Under certain circumstances, the County may request that the structure and ancillary equipment be painted in order to conform the facilities to the surrounding environment and architecture.

4. The design of wireless telecommunications facilities shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunications facilities with the natural setting and the built environment.
 5. Antennas and ancillary equipment installed on an adapted support structure shall be of a color that is identical to, or closely compatible with, the color of the structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 6. Antenna support structures shall not be artificially lighted, unless required by the FAA or other regulatory authority. If lighting is required, the County may require the applicant to install special design lighting systems to minimize the visual impacts on surrounding properties.
 7. No advertising of any type may be placed on the antenna support structure or other components comprising the wireless telecommunications facility.
 8. A sign is required displaying the facility owner's name, address, FCC antenna support registration number and emergency contact phone number. The sign shall not exceed four (4) square feet in size and shall be located on the security fence or other approved location.
 9. Prior to issuance of a building permit to construct an antenna support structure, there shall be a legally binding commitment by at least one wireless service provider to locate his equipment on the proposed structure upon its construction.
 10. If the proposed wireless telecommunications facility is located within one (1) mile of a national or state forest, national or state park, wildlife management area, or known historic or cultural resource site, then the Zoning Administrator shall notify that entity in writing.
 11. Signs warning of electromagnetic energy emissions shall be posted at wireless telecommunication facilities pursuant to FCC regulations.
 12. Applications proposing new antenna support structures greater than one hundred (100) feet in height are encouraged, though not required, to conduct a public information meeting to discuss their development plans and obtain community feedback prior to application submission.
- D. A balloon test shall be conducted prior to the public hearing before the Board of Supervisors for any telecommunications tower that exceeds one hundred (100) feet in height. The date and time shall be posted on the sign. If inclement weather precludes performing the test, an alternate date shall be coordinated with the Zoning Administrator.
- E. Application submission, fees and review process.
1. A completed wireless telecommunications facility application and all supporting documentation, as required herein, shall be submitted in accordance with the appropriate review schedule.
 2. An application fee as established by resolution by the Board of Supervisors shall be submitted with the wireless telecommunications facility application.

3. The wireless telecommunications facility application shall be reviewed by the Zoning Administrator for compliance. An incomplete application shall be returned to the applicant for correction and resubmission.
4. The County may employ the services of a radio frequency engineer to review wireless telecommunications facilities applications.
5. All telecommunications facilities will be reviewed according to the following provisions:
 - a. Applications proposing the following shall be permitted by-right and be reviewed and approved by the Zoning Administrator:
 - i. The collocation of antennas on existing antenna support structures provided it does not result in an overall increase in the height of the structure;
 - ii. The installation of antennas and equipment on adapted support structures provided the overall increase in height shall not exceed one hundred twenty (120) percent of the structure's height. The installation shall to the extent possible, use materials, colors, textures, and other appropriate techniques to blend the installation with the support structure; and
 - iii. The collocation of antennas on public and private utilities in all zoning districts. The antenna's height shall be limited to one hundred twenty (120) percent of the structure's height.
 - b. The Board of Supervisors shall require a public hearing under the special use permit process for all applications for wireless telecommunication facilities not permitted by-right. At the public hearing, a representative for the applicant qualified to address technical and engineering-related concerns shall be present.
- F. Measurement of antenna support structure height for the purpose of determining compliance with the requirements of this article shall include the structure, foundation, and any facilities attached thereto which extend above the top of the structure. The telecommunications facility height shall be measured from ground level.
- G. Prior to the consideration of any application under the administrative review process the County shall notify all adjoining landowners in writing. No action shall be taken by the County until two (2) weeks after the mail date. Applications requiring a special use permit shall meet all state code requirements for public notification.
- H. Telecommunications facilities shall meet or exceed all applicable federal standards and regulations set forth by the FAA, FCC, and other agencies with the authority to regulate such facilities. If such standards and regulations are changed, then the owners and operators of the telecommunications facilities governed by this article shall bring such telecommunications facilities into compliance as required. Failure to comply with federal standards and regulations shall constitute grounds for condemnation and removal of the noncompliant facilities by the County at the owner's or operator's expense. At final zoning approval, the applicant shall supply the following reports pursuant to federal requirements:
 1. An air navigation hazard determination report prepared by the FAA.

2. FCC environmental compliance report prepared in accordance with the National Environmental Policy Act of 1969 (NEPA).
 3. Report describing the impact on historic resources prepared in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA). This report should be accompanied by written comment by the state historic preservation office.
- I. Structural requirements.
1. Prior to the use or extension of any structure to be used to support antennas, the applicant shall have obtained certification of the structural integrity by a registered professional engineer licensed in the commonwealth and a copy of such report shall be submitted to the County.
 2. Owners of telecommunications facilities shall maintain said facilities such that they are in compliance with standards contained in applicable federal, state, and local building codes and regulations.
- J. In order to ensure that the County and the City of Harrisonburg public safety radio systems are free from harmful or destructive interference, each applicant requesting a permit to operate a wireless telecommunications facility shall:
1. Demonstrate compliance with good engineering practices;
 2. Provide the County a copy of all intermodulation studies submitted to the FCC;
 3. Not induce harmful or destructive interference to the County or City public safety radio system;
 4. Comply with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI); and
 5. Provide the County with a copy of its FCC frequency license.
- K. The following setbacks and separation requirements shall apply to all wireless telecommunications facilities:
1. Antenna support structures shall be set back a distance equal to one hundred ten percent (110) of the height of the structure from all adjacent property lines and a distance equal to one hundred fifty percent (150) of the height of the structure from any off-site structures used for human habitation. Setbacks for telecommunications antenna support structures shall be measured from the base of the structure to the property line of the parcel on which it is located and to the nearest corner of the off-site structure, as applicable. The setback from property lines may be reduced by notarized consent of the owner of the property on which the requested telecommunications facility is to be erected and the adjoining landowner whose property line falls within the specified distance. Setback requirements shall not preclude the construction of habitable buildings on adjacent parcels following the construction of the structure.

2. Wireless telecommunications facilities shall meet all setback requirements for primary structures for the zoning district in which the telecommunications facility is located in addition to the requirements as set forth herein.
 3. Fall zones:
 - a. Antenna support structures shall be designed to collapse within the smallest possible area, should structural failure occur.
 - b. The applicant shall submit written certification and supporting documentation from a structural engineer to this effect.
- L. The following requirements shall govern the securing of telecommunications facilities:
1. Wireless telecommunications facilities shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device unless determined by the County not to be warranted.
 2. If a telecommunications tower or antenna is mounted on an alternative support structure the security fencing shall not be required unless the County determines that its safety requirements are not met without it.
 3. Monopoles and other single-pole structures, standing alone, shall be secured by anti-climbing devices.
- M. The following requirements for the planting and maintenance of landscaping surrounding telecommunications facilities shall be met.
1. Telecommunications facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings and fence from adjacent property. The standard buffer shall consist of a landscaped strip at least ten (10) feet wide outside the perimeter of the compound. The applicant shall propose plant species indigenous to the region. Plant material shall be designed to screen the facility to a height of at least six (6) feet above ground level.
 2. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as telecommunications facilities sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer such that landscaping is not warranted.
 3. The applicant is responsible for maintaining all plant material in a healthy condition. Any replacement plants shall be consistent with existing plantings.
- N. Each applicant proposing wireless telecommunications facilities shall submit the following information as applicable:
1. The name, address, and telephone number of the applicant. If the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner, and the name, address, and telephone number of the owner shall be evidenced in the application. The application shall also contain an affirmative statement indicating

that both the owner and applicant agree to comply with the provisions regarding abandonment.

2. The legal description, tax map number, and street address of the parcel of land upon which the structure is proposed.
 3. The location (latitude and longitude), structure height, name, address, and telephone number of the structure owner of all potential co-locatable structures within a three-mile radius of the proposed structure. This provision shall not apply to collocation applications.
 4. If applicable, written documentation that the applicant made a diligent, but unsuccessful effort to gain permission to install or collocate the applicant's telecommunications facility on existing or proposed towers, and their ground area, or usable support structures owned by other persons located within a three-mile radius of the proposed tower site. This provision shall not apply to collocation applications.
 5. Written, technical evidence from a structural engineer that the existing or proposed structure meets the standards set forth herein.
 6. A map of the County and the first half-mile of all bordering localities showing the design of the applicant's entire existing or proposed (pending applications) wireless telecommunications network. Such map shall, at a minimum, indicate the general location of all proposed or existing tower and antenna sites, their dimensions, specifications, and signal area coverage.
 7. Color photo simulations showing, to scale, representations of the proposed structure and associated facilities as it would appear viewed from the closest residential property or properties and from adjacent roadways. A minimum of six (6) photo simulations shall be provided. A map, to scale, shall be supplied identifying the location of each photo. Before and after photo exhibits should be presented. This provision shall not apply to collocation on existing antenna support or installations on adapted antenna support structures.
 8. A surveyed site plan, including a description of the lot lines, showing setbacks, location of adjacent structures, location of the proposed structure, separation distances, elevation view of the structure showing the location of the proposed antennas, landscaping, screening, access, parking, and security.
 9. An acknowledgment that the applicant currently complies and will continue to comply with all FCC standards, including reporting requirements regarding radio frequency emissions.
 10. A radio frequency engineers statement which specifically describes the radio signal coverage area objective, the "hand-off" sites, radio technology being used (e.g. cellular, PCS, SMR, etc.), equipment specifications, propagation modeling software, methodology, and the factors and assumptions used in the analysis.
- O. Removal of defective or abandoned telecommunications facilities.

1. Any component of a wireless telecommunications facility found to be defective or unsafe shall be repaired immediately by the owner or operator of such facilities to comply with federal, state, and local safety standards or removed within forty-five (45) days upon written notice at the expense of the owner or operator.
2. Any component of a telecommunications facility that is not operated for a continuous period of six (6) months shall be considered abandoned, and shall be removed by the owner or operator of such component within ninety (90) days of receipt of notice from the Zoning Administrator notifying the owner/operator of such removal requirement.
 - a. Should the entire wireless telecommunications facility be ordered removed, removal includes the removal of the antenna support structure, fence, buildings, cabinets, and all other above-ground facilities. With the exception of underground fuel storage tanks, below-ground facilities may remain. Equipment buildings may remain with the landowner's approval.
 - b. If there are two (2) or more users of a wireless telecommunications facility then this provision shall not become effective until all users cease using the antennas support structure.
 - c. If the defective or abandoned facilities are not removed as herein required, the County may either seek court enforcement of such removal or the County may remove the facilities at the expense of the owner or operator as the County, in its sole discretion, determines.
3. Prior to the issuance of a building permit for a telecommunications structure, the applicant shall submit to the Zoning Administrator a bond, irrevocable letter of credit, or other appropriate surety acceptable to the County in the amount of ten thousand dollars (\$10,000.00) or twenty-five percent (25) of the material costs of the structure, whichever is greater, to secure the cost of removing the tower and restoring the site to its original condition to the extent reasonably possible.
 - a. Foundations shall be removed to a depth of two (2) feet below ground level or covered to an equivalent depth with fill material.
 - b. In the event that such bond, irrevocable letter of credit, or other appropriate surety expires or is canceled, proceedings to revoke or terminate this special use permit may be initiated by the Board of Supervisors or its designee.

Yard Sales.

A yard sale shall be limited to a period of no more than three (3) consecutive days and no more than three (3) yard sales in a one-year period.

CHAPTER 17. – ZONING.

ARTICLE 7. – DEVELOPMENT STANDARDS.

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 Table 17-707.04. Signs as Permitted Uses.
 17-707.05. Off-Premises Signs.
 17-707.06. Signs Prohibited in All Districts.
 17-707.07. Maintenance, Removal, and Nonconformance of Signs.
 17-700. Definition.

The following standards further the intent and basic objectives of the Comprehensive Plan and protect public health, safety, and general welfare. These standards shall be met unless otherwise excepted. Bonding may be required for any improvements.

17-700.01. Area Types.

For purposes of this article, the following area types shall determine the design requirements that apply where stated.

A. Compact Area Type:

1. Village Center of the Planned Resort District (R-4)
2. Neighborhood Center of the Planned Neighborhood District (R-5)
3. Mixed-use Core of the Mixed Use District (MXU)
4. The Planned Multifamily District (PMF)
5. The Planned Commercial Development District (PCD)
6. Any mixed-use area in any planned district

B. Suburban Area Type:

1. Planned Resort District (R-4) not within the Village Center
2. Planned Neighborhood District (R-5) not within the Neighborhood Center
3. Residential Neighborhood of the Mixed Use District (MXU)
4. Rural Village District (RV)
5. Low-Density Residential District (R-1)
6. Medium Density Residential District (R-2)
7. General Residential District (R-3)
8. General Business District (B-1)
9. Neighborhood Business District (B-2)
10. Planned Growth District (PG)
11. Planned Single Family District (PSF)
12. Planned Manufactured Home Park District (MHP)
13. Planned Medical and Research District (PMR)
14. Planned Industrial District (PID)

C. Rural Area Type:

1. Prime Agricultural District (A-1)

2. General Agricultural District (A-2)
3. Residential or Recreational District (RR-1)
4. Mixed Home District (MH-1)
5. Heavy Industrial District (I-1)
6. Light Industrial District (I-2)
7. Public Service District (S-1)

17-700.02. Common Area

- A. Common area requirements in planned development zoning districts shall be met with a combination of indoor and outdoor space used for enjoyment by all residents, customers, or employees within the development.
- B. Indoor space includes, but is not limited to, gyms, weight rooms, indoor swimming pools, indoor athletic courts, roof gardens, enclosed gardens, and other indoor recreational areas.
- C. At least 75% of the common area shall be outdoor space, which shall include all utility easements and a combination of any of the following:
 1. courtyards, plazas, or greens designed and configured as urban design features with spatially defined edges;
 2. grassy areas and trees;
 3. landscaped areas and landscaped islands in parking lots;
 4. wooded, natural areas;
 5. multi-purpose trails, walkways, pedestrian paths through natural areas;
 6. benches and gazebos;
 7. water features and fountains;
 8. playgrounds, swimming pools, and athletic courts.
 9. sidewalks and easements;
 10. terrain with less than twenty-five percent (25%) grade.
- D. A stormwater management area shall be counted as common area if approved by the Stormwater Management Program Administrator.

17-700.03. Ownership.

- A. At the time of rezoning approval, all community property, including common area, private streets, and any undeveloped land, shall be under unitary ownership or under unified control.
- B. The applicant or a designee shall prepare documents which provide at a minimum that the Property Owners Association (POA) shall accept title to any community property, including common area, private streets, and undeveloped land. Responsibility for maintenance and control of all community property shall be clearly established and communicated to the POA accepting title. The documents shall establish voting and use rights and shall provide for the collection of dues, levies, or assessments to cover expenses including, but not limited to, tax liabilities, maintenance, insurance, and municipal or state assessments. The POA shall have the authority to acquire a lien upon the property of any of its members in order to secure collection of any amounts due. A residential POA and a commercial POA may be established within the same district.
- C. The County shall be authorized to maintain the common elements and assess the private ownership accordingly if private ownership fails to function as required by the bylaws and covenants.

17-701. Streets.

Streets shall be coordinated with the existing or planned streets shown on current Master Plans and with the major transportation network shown in the Comprehensive Plan or any other plan adopted by the County.

17-701.01. Street Names.

- A. Streets shall be named according to the established procedures set forth in the Road/Street and Subdivision Naming Manual, as amended.
- B. Temporary street identification signs shall be placed at each intersection by the developer prior to any construction beginning in the subdivision. The developer shall contact the agent when temporary signs have been erected. No building permits shall be issued within a subdivision prior to verification by the agent that the signs have been erected. Developer shall be responsible for keeping these signs in place until such time as permanent signs are erected.
- C. Permanent signs conforming to standard county specifications shall be erected by the county at the developer's expense, and the developer shall pay the county for the cost of the signs prior to the agent signing the final plat. If the cost of signs increases, and the funds paid by the developer to the county are insufficient to cover the cost of the signs, the developer shall pay the additional funds prior to the bond being released by the county.

17-701.02. Public Streets.

- A. All public streets shall comply with all VDOT regulations and shall become part of the VDOT state-maintained system.

- B. In the R-1, R-2, and R-3 zoning districts, all streets shall be public streets. In manufactured home parks in the MH-1 zoning district, no streets shall be public streets. In mixed home subdivisions in the MH-1 zoning district and in all other zoning districts, streets may be public streets or private streets.
- C. Application to have a street accepted into the state secondary highway system shall be completed by the developer and submitted to the county and VDOT within three (3) months after the County has issued a certificate of occupancy for the third structure addressed on said street.

17-701.03. Private Streets.

- A. In manufactured home parks in the MH-1 zoning district, all streets shall be private streets. In the R-1, R-2, and R-3 zoning districts, no streets shall be private streets. In all other zoning districts, streets may be public streets or private streets.
 - 1. All private streets in the RR-1 zoning district shall meet the requirements of Article 7, with the exception of those requirements in direct conflict with those requirements under Section 17-305. In such case, the requirements of Section 17-305 shall control.
 - 2. All private streets in the MH-1 zoning district shall meet the requirements of Article 7, with the exception of those requirements in direct conflict with those requirements under Section 17-309. In such case, the requirements of Section 17-309 shall control.
- B. No private street shall exceed ten percent (10%) grade.
- C. All private streets shall be paved and constructed according to VDOT standards.
- D. Sight distances for all intersections and entrances shall conform to VDOT standards.
- E. Private streets shall be constructed to ensure proper drainage and adequate base and surface construction capable of supporting imposed loads or fire apparatus as required in Chapter 8. Fire and Protection.
- F. Private streets shall be the responsibility of the developer to construct and maintain until such time as maintenance responsibility is legally passed to a Property Owners Association or other legally recognized body. Private streets shall be fully constructed at the time maintenance responsibility is transferred.
- G. For the purpose of this chapter, "maintenance of the road" shall be deemed to mean maintenance of the streets, curb, gutter, ditches, stormwater management facilities, utilities, street signs, or other street improvements, including the correction of defects or damages, so as to keep such road open for public usage.

Table 17-701.03. Minimum Private Street Requirements.

Vehicles Per Day	Number of Traffic Lanes	Width of Traffic Lanes	Number of Parking Lanes (Optional)
No Maximum	1 (One Way Traffic Only)	12 feet	2
Up to 400	2	10 feet	1*
401 to 3,000	2	11 feet	2*
3,001 to 5,500	2	12 feet	2**
Over 5,500	4	12 feet	2**

* If no curbing is installed, shoulders shall be a minimum of five (5) feet wide.

** If no curbing is installed, shoulders shall be a minimum of eight (8) feet wide.

- H. No streets shall be constructed with a curvature radius of less than one hundred (100) feet measured at the center line.
- I. Shoulders shall be constructed to the same specifications as the street.
- J. Wherever possible, private streets shall intersect private streets at right angles, Private streets shall intersect private streets at angles of not less than sixty (60) degrees, unless approved by the Zoning Administrator. Intersection curb radii may be fifteen (15) feet minimum for minor streets, and twenty-five (25) feet minimum for major streets, if approved by VDOT.
- K. The intersection of a private street with a public street shall conform to VDOT standards.
- L. All alleys shall be private and shall meet the standards for private streets with the following exceptions:
 - 1. Alleys may be permitted for residential and service vehicle access only. Alleys shall have a pavement width of no less than ten (10) feet. No on-street parking shall be permitted on the alley.
 - 2. Alleys constructed in a development project shall be designed and constructed based on sound engineering principles to be practical and functional and shall be certified as such by an engineer.

17-701.04. Connectivity.

- A. To facilitate the appropriate movement of pedestrian and automobile traffic, the roads and streets in each development project shall provide sufficient connections in multiple directions, to multiple properties, and, if applicable, to local and higher order roadways.
- B. Proposed streets shall be constructed to the boundary line of every adjoining property where an existing street terminates at the property line, where a future street is planned to

terminate at the property line, and to multiple directions within urban growth areas designated in the Comprehensive Plan or any other plan adopted by the County.

- C. In the Compact Area, streets shall be interconnected in a system of blocks. Not more than twenty percent (20%) of the total number of blocks in the project may exceed a total of two thousand (2,000) feet in total perimeter length, measured from the centerline of the street.
- D. In the Suburban Area, networks of streets, sidewalks, and multi-use paths shall provide direct pedestrian movement throughout the development and to adjoining property.
- E. In the Rural Area, roadways shall provide connections to adjoining properties or streets in varying directions.
- F. Road construction may be phased, but connectivity requirements shall be met at full build-out.
- G. Exceptions.
 - 1. The connectivity standards may be reduced by the Zoning Administrator where constrained by one or more the following features:
 - a. railroad tracks;
 - b. limited access highway;
 - c. an existing navigable river or a standing body of water with a depth greater than four feet under normal conditions;
 - d. jurisdictional wetlands.
 - e. terrain grades in excess of twenty percent (20%); and
 - f. government owned property with restrictions upon development such as military installations; parks, as defined, and in existence prior to the submission of the development proposal for the network addition; and land under conservation easements recognized by the County.

17-701.05. Dead-end Streets, Public and Private.

- A. All dead-end streets shall terminate in a VDOT approved cul-de-sac that meets the standards of the VDOT Road Design Manual and is approved by the Fire Marshal.
- B. Dead-end streets shall not be less than two hundred (200) feet in length.
- C. The length shall be measured from the end of the cul-de-sac to the closest intersection, which provides a means of egress from the development project, either directly or indirectly (see figure 1).
- D. Dead-end streets shall connect to a street that provides a direct means of egress (see figure 1).

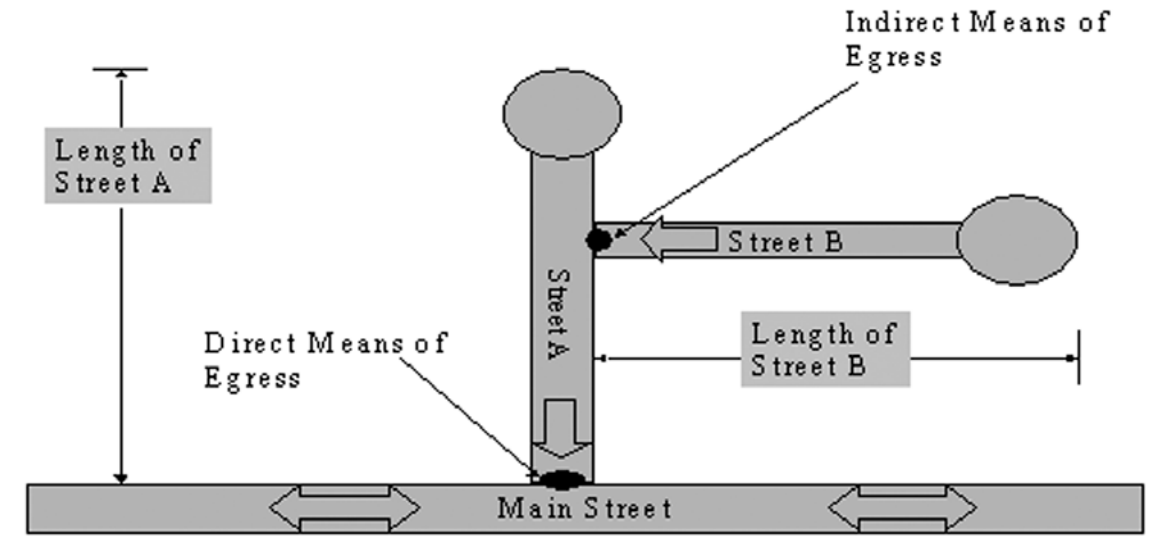


Figure 1

- E. Dead-end streets greater than eight hundred (800) feet in length shall be allowed if the following conditions are met:
1. Approval in writing, by the Fire Marshal, VDOT, and Director of Public Works;
 2. An easement from the turnaround to another street to provide a looped water system or the system is otherwise looped, unless otherwise approved by the Director of Public Works.
 3. The dead-end street is designed as a dual street with a landscaped median over its entire length, which divides the dead-end street into two (2) distinct and separate lanes. The construction of the lanes, right-of-way, and median shall be constructed in accordance with VDOT standards. Median breaks shall be provided at every intersection and at other points at intervals of no more than three hundred (300) feet or as otherwise specified by the reviewing parties. Median breaks shall be designed to VDOT standards; and
 4. In recognition of the additional fire protection requirements incorporated into commercial and industrial structures, the Zoning Administrator, in consultation with the Fire Marshal, may waive the median requirement for dead end streets in development projects located in business or industrial zoning.

17-701.06. Bicycle and Pedestrian Accommodations.

- A. The design and development of the transportation infrastructure shall improve conditions for bicycling and walking. The design of facilities for bicyclists and pedestrians shall follow the current design guidelines and standards that are commonly used, such as the AASHTO Guide for the Development of Bicycle Facilities, AASHTO's A Policy on Geometric Design of Highways and Streets, and the ITE Recommended Practice "Design and Safety of Pedestrian Facilities".
1. The design and construction of new facilities should anticipate likely future demand for bicycling and walking facilities and not preclude the provision of future improvements.

For example, a bridge that is likely to remain in place for 50 years, might be built with sufficient width for bicycle and pedestrian facilities in anticipation that facilities will be available at either end of the bridge even if that is not currently the case.

2. The design of intersections and interchanges shall accommodate bicyclists and pedestrians in a manner that is safe, accessible, and convenient. Even where bicyclists and pedestrians may not commonly use a particular travel corridor that is being improved or constructed, they will likely need to be able to cross that corridor safely and conveniently.
- B. In new construction and reconstruction projects in all areas inside all urban growth boundaries as designated in the Comprehensive Plan or any other plan adopted by the County, provision shall be made for sidewalks and other pedestrian facilities which will enable pedestrians to navigate safely and conveniently between the various functional areas of the project. Facilities shall be coordinated to access existing and planned pedestrian facilities on adjoining properties.
1. In no case shall the street pavement serve as a pedestrian walkway.
 2. In Compact Areas, pedestrian accommodations shall be provided along both sides of the street, or provisions made that provide equivalent pedestrian mobility.
 3. In Suburban Areas, pedestrian accommodations shall be provided along at least one side of the street, or provisions made that provide equivalent pedestrian mobility.
 4. In Rural Areas within any urban growth area, pedestrian accommodations shall be provided for employees to walk to and from motor vehicle and any bicycle parking areas. The pedestrian accommodations shall be separated from vehicular traffic, and shall create extensions for and connections between adjoining Compact or Suburban Areas.
 5. Within one-half mile, measured at the centerline of the roadway, of a public school, pedestrian accommodations shall be provided along at least one side of the street, or provisions made that provide equivalent pedestrian mobility, along roadways.
 6. When connecting to a stub street that has pedestrian accommodations, the new street shall also include pedestrian accommodations.
 7. Sidewalks and multi-purpose trails shall provide internal connections throughout the development project and external connections to existing sidewalks or multi-purpose trails and to adjacent residential neighborhoods and commercial development projects. At a minimum, sidewalks shall comply with VDOT Secondary Street Acceptance Standards.
 8. All sidewalks shall be comprised of three distinct zones
 - a. Pedestrian zone- All sidewalks shall provide a clear, unencumbered path of no less than five (5) feet in width for the movement of pedestrian traffic.
 - b. Frontage zone- All sidewalks shall provide a minimum frontage of two (2) feet in width between the pedestrian zone and any building or structure. Outdoor

display and/or outdoor seating may occupy the frontage zone but shall not encroach upon the pedestrian zone.

- c. Buffer zone- All sidewalks shall provide a minimum buffer of three (3) feet in width between the pedestrian zone and vehicle zone when no street tree is planted within the buffer, and a minimum of six (6) feet in width when a street tree is planted within the buffer. Street furniture, signs, and vegetation may occupy the buffer zone but shall not encroach upon the pedestrian zone. Curb width may count toward the minimum buffer zone width, but gutter width shall not.
 - i. In the Compact Area, no less than seventy percent (70%) of the Buffer Zone shall be hardscape.
 - ii. In the Suburban Area, no less than seventy percent (70%) of the Buffer Zone shall be vegetative ground cover.
- 9. Sidewalks, multi-purpose trails, street crossings (including over- and under-crossings), pedestrian signals, signs, street furniture, transit stops and facilities, and all connecting pathways shall be designed, constructed, operated, and maintained so that all pedestrians, including people with disabilities, can travel safely and independently.
- 10. All crosswalks for sidewalks and multi-purpose trails shall be distinguished from driving surfaces through the use of durable, low-maintenance, surface materials such as pavers, bricks, or scored concrete.
- C. In new construction and reconstruction projects in all areas inside all urban growth boundaries as designated in the Comprehensive Plan or any other plan adopted by the County, provision shall be made for bicycle facilities which will enable non-motorized vehicles to navigate safely and conveniently between the various functional areas of the project. Facilities shall be coordinated to access existing and planned bicycle facilities on adjoining properties.
 - 1. Outside of the urban growth areas, paved shoulders shall be included in all new construction and reconstruction projects on roadways used by more than one thousand (1,000) vehicles per day and constructed to current VDOT standards.
 - 2. Rumble strips are not recommended where shoulders are used by bicyclists unless there is a minimum clear path of four feet in which a bicycle may operate.
 - 3. Where bicyclists and pedestrians are prohibited by law from using the roadway, accommodations shall be placed elsewhere within the right-of-way or within the same transportation corridor.
 - 4. Multi-purpose trails shall be no less than ten (10) feet in width.
 - 5. A street's vehicular lanes shall not serve as a multi-purpose trail.
 - 6. When connecting to a stub street that has bicycle accommodations, the new street shall also include bicycle accommodations.

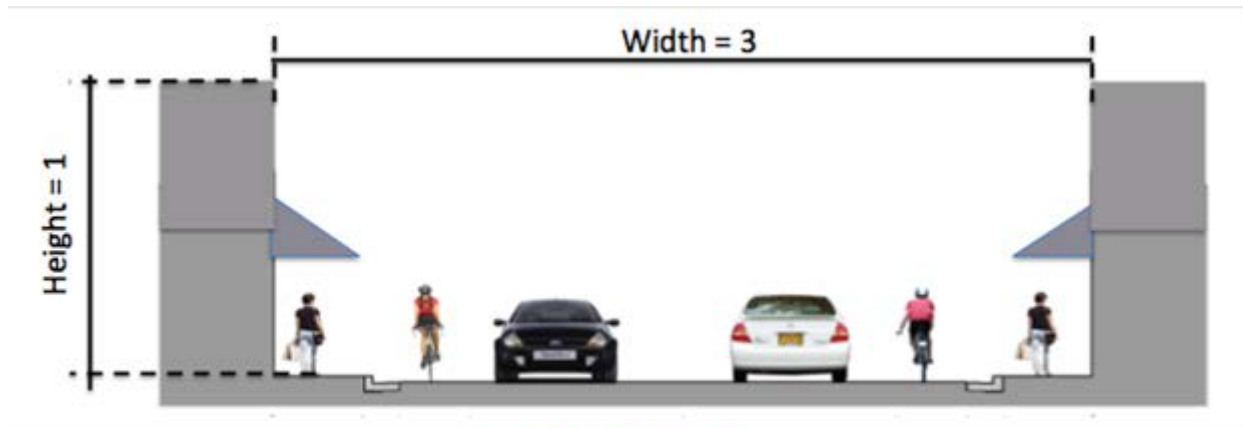


Figure 17-701.05. Street Form.

- D. The landscaping adjacent to sidewalks and multi-purpose trails shall be planned and maintained so as to allow good, natural surveillance.

17-701.07. Street Form.

- A. Building facades visible from any public or private street and greater than one hundred fifty (150) feet in length, measured horizontally, shall be broken into smaller planes of thirty (30) to fifty (50) feet in width by incorporating landscaping, wall plane projections or recesses, arcades, display windows, entry areas, awnings, and other similar features adding visual interest.
- B. Roof lines shall be varied through the use of landscaping, overhanging eaves, parapets, pop-outs, entrance features, or height variations.
- C. Compact Area
1. Buildings in the Compact Area shall be configured so as to create a perception of spatial enclosure between the front facades of buildings facing each other across the street. To achieve this, a minimum of 60% of the total linear street frontage of any given block shall have a height-to-width ratio of at least 1:3. See Figure 17-701.07. Street Form. The width of medians with street trees, in accord with Section 17-703.02. Street Landscaping., may be discounted from the horizontal distance between building facades.
 2. Buildings in the Compact Area shall adhere to a pedestrian scale by segmenting building facades into vertical elements, which respect a human scale. This may be accomplished by incorporating street level doors and entrances, shopping gallery windows, awnings, and other such features.
 3. Non-residential uses in the Compact Area shall be on the first floor and may be allowed on upper floors. Residential uses shall be allowed on all floors of a commercial building except the first floor. Building entryways to residential units shall be independent of those serving commercial uses.

- D. Variations to the minimum standards for all elements of street design and any related features such as blocks, alleys, easements, and sidewalks, may be approved by the Board of Supervisors on a case-by-case basis when:
1. The proposed alternative would better achieve the walkable, pedestrian-oriented environment the county desires in areas identified in the comprehensive plan or in appropriate zoning districts,
 2. The particular conditions of the site and surrounding street network would allow the proposed alternative without causing undue inefficiencies for service vehicles, nor unintended pedestrian safety concerns due to pedestrian-vehicle movement conflicts.
 3. The proposed alternative would better balance the needs of pedestrians and vehicles, and better achieve the goals of the comprehensive plan.
 4. Meeting the minimum requirements would be impossible due to extreme topography or other similar existing impediments.

17-702. Parking and Loading.

17-702.01. On-Street Parking.

- A. Compact Areas and Suburban Areas shall accommodate on-street parking. Street design that anticipates limited or no on-street parking shall require sufficient off-street parking to meet the requirements listed below. On-street parking shall only count once toward the required minimum parking spaces for any adjacent land use.
- B. Parallel parking. Narrow rights-of-way may utilize parallel parking to provide an additional barrier between pedestrians and vehicular traffic. Parallel parking lanes shall abut curbs, with bicycle lanes adjacent to vehicle travel lanes.
- C. Reverse-angle parking. Where available, angle parking can provide more parking spaces per centerline mile than parallel parking. However, angle parking usually demands parked cars backing into the flow of traffic. Alternatively, reverse-angle parking requires drivers to back into spaces and pull forward into the flow of traffic.
- D. Perpendicular parking. Ninety (90) degree parking shall not be permitted for on-street parking.

17-702.02. Off-Street Parking.

Off-street motor vehicle parking shall be provided for any permitted or special use established in accordance with this chapter.

17-702.03. General Parking Requirements.

- A. For the purpose of this chapter, general requirements are specified in Table 17-702.03.

Table 17-702.03. General Parking Space Requirements.

Angle of Parking	Curb Spacing	Stripe Length	Traffic Direction	Aisle Width
Parallel	19	9	One-Way	12 feet
30 degrees	18	27	One-Way	12 feet
45 degrees	13	24	One-Way	17 feet
60 degrees	10	22	One-Way	21 feet
75 degrees	9	20	One-Way	23 feet
90 degrees	9	18	One-Way	24 feet

- B. Minimum width of traffic aisles in parking lots for two-way traffic shall be twenty-four (24) feet. Additional width may be required for emergency vehicle access, if needed.
- C. All parking facilities shall be maintained with pavement; concrete; gravel; or dust-proof, pervious surface as approved by the Zoning Administrator.
- D. Landscaping shall be provided and maintained in compliance with Section 17-703, Landscaping.
- E. Parking spaces shall be set back a minimum of ten (10) feet from property lines and roads.
- F. Parking facilities shall be designed with visible boundaries to prevent vehicles from parking outside the limits of the parking facility.

17-702.04. Non-Standard Parking Requirements.

A. Compact car parking spaces

- 1. The Zoning Administrator may allow a maximum of twenty percent (20%) of the total number of spaces to be compact car spaces in any parking facility with greater than twenty (20) spaces, if the use of compact car spaces would not substantially reduce the overall safety, ease of ingress and egress, or efficiency of the layout of parking spaces.
- 2. For parallel parking, compact car parking spaces shall be eight (8) feet, six (6) inches wide and sixteen (16) feet long and shall be permanently designated, with appropriate sign(s), for use by compact cars only.

B. Motorcycle parking spaces

- 1. The Zoning Administrator may allow a five percent (5%) reduction in minimum required parking spaces in any parking facility with greater than twenty (20) spaces if at least two (2) motorcycle parking spaces are provided.

2. For parallel parking, motorcycle parking spaces shall be four (4) feet wide by eight (8) feet long and shall be permanently designated, with appropriate sign(s), for use by motorcycles, motor scooters, or other similar licensed vehicles.
- C. Tractor trailer parking spaces shall be a minimum of twelve (12) feet wide and seventy (70) feet long, with a minimum height clearance of fourteen (14) feet.
- D. Bicycle parking spaces.
1. Parking facilities with fifteen (15) or greater car parking spaces, located within any urban growth area designated in the Comprehensive Plan or any other plans adopted by the County shall provide parking for one bicycle per twenty-five (25) car parking spaces, with a minimum of four (4) bicycle parking spaces. For example, a 15-space parking lot shall have a minimum of four (4) bicycle parking spaces
 2. Bicycle parking spaces shall be in the form of a suitable bike rack(s) conveniently located, visible, and anchored for security. Bike racks may be located near building entrances, rather than within the parking lot. Protection from the elements is encouraged. Rack design and layout shall be as recommended in the document, "Bicycle Parking Guidelines," as adopted by the Association of Pedestrian and Bicycle Professionals. Rack location and type shall be specified on the site plan.
- E. Handicapped accessible parking spaces.
1. All parking facilities shall provide at least one (1) accessible parking space per twenty-five (25) parking spaces of the first one hundred (100) parking spaces, or fraction thereof.
 2. For every eight or fraction of eight (8) accessible parking spaces, at least one (1) shall be a van-accessible parking space with a minimum access aisle of eight (8) feet wide.
 3. All parking facilities with more than one hundred (100) parking spaces but no more than five hundred (500) parking spaces shall provide an additional one (1) accessible parking space for every fifty (50) parking spaces over one hundred (100) or fraction thereof.
 4. All parking facilities with more than five hundred (500) parking spaces up to one thousand (1,000) parking spaces shall provide accessible parking spaces equal to at least two percent (2%) of the total number of parking spaces.
 5. All parking facilities with more than one thousand (1,000) parking spaces shall provide at least twenty (20) accessible parking spaces plus an additional one (1) accessible parking space for every one hundred (100) parking spaces over one thousand (1,000).
 6. All accessible parking spaces shall be permanently designated, with appropriate above-grade signs, as reserved for physically handicapped persons, as required by ADA.
 7. All accessible spaces shall be adjacent to an access aisle with a minimum width of five (5) feet.
 8. Accessible parking spaces shall be located to provide direct pedestrian access to the entrance of the structure being served or to the exit of the parking facility.

17-702.05. Parking Requirements by Use.

A. In the Compact Area:

1. Parking shall be around the sides and/or rear of buildings in order to reduce expansive parking areas at street view. No more than twenty-five (25) percent of the parking for any building or group of buildings shall be located between the front building façade and its addressed street.
2. Alley access to employee and resident parking and trash pick-up is encouraged.

B. Parking spaces shall be provided for all dwellings. Where on-street parking on public streets is not provided, off-street parking shall be provided on the same lot as the dwelling.

1. Parking for rowhouses shall be located within the rowhouse development and not more than one hundred fifty (150) feet from a rowhouse.
2. If off-street parking cannot reasonably be provided on the same lot as the dwelling, such space may be provided on other off-street property, provided such space lies within one hundred fifty (150) feet of the property line of the dwelling.

C. In the case of a use not specifically mentioned below, the required parking spaces for a use, which is mentioned and is similar, as determined by the Zoning Administrator, shall apply. If a similar use is not determined, the applicant shall provide the number of required parking spaces based on national or sound engineering practices.

D. In the case of mixed uses, the total requirements of the various uses computed separately from Table 17-402.05. Parking Requirements by Use. shall be required, unless otherwise shown by a shared parking arrangement , approved by the Zoning Administrator.

E. When a change in use, change in number of employees, an increase in floor area, or a change in any other unit of measurement specified below increases the required number of parking spaces, additional parking spaces shall be provided to meet the new required minimum. If a change increases the required number of parking spaces by less than five (5) parking spaces, no additional parking spaces shall be required.

F. Area reserved for off-street parking, in accordance with the requirements of this chapter, shall not be reduced in size, encroached upon, or changed to any other use unless the use which it serves is discontinued or modified.

Table 17-702.05. Parking Requirements by Use.

Agricultural Uses	
Farm market	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises, plus one (1) space per two hundred (200) square feet of customer service area, but with a minimum of one (1) space per one thousand (1000) square feet of gross floor area
Farm winery	To be determined at site plan level
Feed mill	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises, plus one (1) space per two hundred (200) square feet of customer service area, but with a minimum of one (1) space per one thousand (1000) square feet of gross floor area.
Recreational Uses	
Amusement, indoor	One (1) space per each one hundred (100) square feet of floor area.
Campground	One (1) space per campsite, plus one space per employee on the maximum working shift.
Community pool/sport court	One (1) space per each 40 square feet of swimming pool area, or Three (3) spaces per court
Equestrian facility	One (1) space per three (3) persons estimated to be in attendance.
Golf course	Five (5) spaces per hole
Golf driving range	One (1) space per driving tee .
Shooting range, indoor	One (1) space per each one hundred (100) square feet of floor area.
Shooting range, outdoor	One (1) space per stand
Ski slopes and lodge	To be determined at site plan level
Sports complex	To be determined at site plan level
Assembly Uses	
Church or other place of worship	One (1) space per three (3) seats in the main sanctuary.
Community center	One (1) space per three (3) persons based on maximum occupancy.
Cultural center	One (1) space per five hundred (500) square feet of gross floor area.
Event center	One (1) space per three (3) seats and one (1) space per employee.
Fairgrounds	One (1) space per three (3) persons estimated to be in attendance.
Fitness center	One (1) space per three (3) persons based on maximum occupancy.

Microbrewery	One (1) space per three (3) seats provided for patron use, plus one (1) space per seventy-five (75) square feet of floor area provided for patron use, but not containing seats; plus one (1) space per employee with a minimum of six (6) employee spaces provided.
Restaurant	One (1) space per three (3) seats provided for patron use, plus one (1) space per seventy-five (75) square feet of floor area provided for patron use, but not containing seats; plus one space per employee with a minimum of six (6) employee spaces provided.
School	One (1) space per three seats in assembly hall, or one (1) space per employee, whichever is greater. Additionally, one visitor space shall be provided for each twenty (20) spaces. High Schools shall provide an additional one (1) space per three (3) students. Business, vocational schools or colleges shall provide an additional one space per student.
Theater	One (1) space per three (3) seats.
Retail Uses	
Antique or craft shop	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises, plus one (1) space per two hundred (200) square feet of customer service area, but with a minimum of one (1) space per one thousand (1000) square feet of gross floor area.
Art gallery	One (1) space per five hundred (500) square feet of gross floor area.
Auction facility	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises, plus one (1) space per two hundred (200) square feet of customer service area, but with a minimum of one (1) space per one thousand (1000) square feet of gross floor area.
Convenience store	One (1) space per one hundred (100) square feet of floor area, convenience stores located on a Virginia primary highway shall also provide two (2) tractor trailer parking spaces
Flea market	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises, plus one (1) space per 200 square feet of customer service area, but with a minimum of one (1) space per 1000 square feet of gross floor area
Motor vehicle parts sales	One (1) space per employee plus one (1) space per two hundred fifty (250) square feet of floor area;
Retail use not otherwise listed	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises, plus one (1) space per 200 square feet of customer service area, but with a minimum of one (1) space per 1000 square feet of gross floor area

Seed and feed store	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises, plus one (1) space per 200 square feet of customer service area, but with a minimum of one (1) space per 1000 square feet of gross floor area
Travel center	To be determined at site plan level based on different uses within the facility
Service Business Uses	
Animal hospital	Three (3) spaces per veterinarian and employee. Not to be less than ten (10) spaces.
Animal shelter	Three (3) spaces per employee. Not to be less than ten (10) spaces.
Car wash	One (1) space per employee on the maximum working shift.
Catering facility	One (1) space per employee, plus one (1) space for each company vehicle, plus three (3) customer spaces.
Electronic data storage or processing center	One (1) space per employee.
Funeral home, crematory	One (1) space per fifty (50) square feet of floor area
Housing management office	One (1) space per employee on the maximum working shift.
Kennel operation, commercial	One (1) space per employee. Not to be less than two (2) customer spaces.
Landscaping service	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises, plus one (1) space per two hundred (200) feet of customer service area
Laundry, commercial or industrial	One (1) space per employee, plus one (1) space per company vehicle, plus three (3) customer spaces.
Laundry, dry cleaning, laundromat	One (1) space per employee and one (1) space per two (2) washing machines; for stand-alone dry cleaning service, one (1) space per employee and three (3) customer spaces.
Machinery and equipment center	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises, plus one (1) space per 200 square feet of customer service area, but with a minimum of one (1) space per 1000 square feet of gross floor area
Mail services	One (1) space per employee, plus one (1) space per company vehicle operating from the premises, plus
Medical office or clinic	Three (3) spaces per doctor; plus one (1) space per two hundred (200) square feet of floor area.
Motor vehicle sales lot	One (1) space per 500 square feet of enclosed sales area, plus one (1) space per 2500 square feet of open sales display lot area, plus two (2) spaces per service bay, plus one (1) space per employee; not to be less than five total spaces.
Office	One (1) space per three hundred (300) square feet of ground floor area, plus one (1) space per five hundred (500) square feet of upper floor space.

Radio or television station	One (1) space per three hundred (300) square feet of ground floor area, plus one (1) space per five hundred (500) square feet of upper floor space
Research facility	One (1) space per employee on the maximum working shift, plus one (1) space per visiting researcher.
Sale of manufactured homes, campers, camper trailers, and recreational vehicles, exempt from enclosure	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises, plus one (1) space per 200 square feet of customer service area, but with a minimum of one (1) space per 1000 square feet of gross floor area
Service business not otherwise listed	One (1) space per two hundred (200) square feet of floor area
Spa	Two (2) spaces per employee
Taxidermy	One (1) customer space
Institutional Uses	
Correctional facility	One (1) space per three hundred (300) square feet of ground floor area, plus one (1) space per five hundred (500) square feet of upper floor area, and one (1) space per governmental vehicle.
College, university	One (1) space per three seats in assembly hall, or one (1) space per employee, whichever is greater. Additionally, one visitor space shall be provided for each twenty (20) spaces. Business, vocational schools or colleges shall provide an additional one space per student.
Daycare, adult	One (1) space per employee, one visitor space shall be provided for each 20 spaces.
Daycare, child	One (1) space per employee, one visitor space shall be provided for each 20 spaces.
Emergency and protective facility	One (1) space per living unit, plus one (1) space per employee on the maximum working shift.
Group home	One (1) space per four (4) beds, plus one (1) space per visiting doctor, plus one (1) space per employee on the maximum working shift;
Halfway house	One (1) space per four (4) beds, plus one (1) space per visiting doctor, plus one (1) space per employee on the maximum working shift;
Hospice center	One (1) space per four (4) beds, plus one (1) space per visiting doctor, plus one (1) space per employee on the maximum working shift;
Hospital	One (1) space per four (4) beds, plus one (1) space per visiting doctor, plus one (1) space per employee on the maximum working shift;
Nursing home	One (1) space per four (4) beds, plus one (1) space per staff or visiting doctor, plus one (1) space per employee on the maximum working shift;

Public safety facility	One (1) space per three hundred (300) square feet of ground floor area, plus one (1) space per five hundred (500) square feet of upper floor area, and one (1) space per governmental vehicle.
Rehabilitation facility	Three (3) spaces per doctor or therapist; plus one (1) space per two hundred (200) square feet of floor area.
Substance abuse treatment facility	One (1) space per four (4) beds, plus one (1) space per visiting doctor, plus one (1) space per employee on the maximum working shift;
Residential Uses	
Bed and breakfast inn	Two (2) spaces per single family unit plus one (1) space per guest room.
Dwelling, accessory	One (1) space.
Dwelling, accessory apartment	One (1) space.
Dwelling, apartment building	Efficiency and one (1) bedroom unit: one (1) space per unit; Two (2) bedroom unit: one and one-half (1 1/2) spaces per unit; More than two (2) bedrooms per unit: two (2) spaces per unit.
Dwelling, duplex	Two (2) spaces per dwelling unit.
Dwelling, farm-worker	Two (2) spaces.
Dwelling, in-house security service	Two (2) spaces.
Dwelling, manufactured home	Two (2) spaces. In the MHP zoning district, additional parking shall be provided. The parking area shall provide at least one (1) parking space for each manufactured home lot and shall be located within one hundred fifty (150) feet of the manufacture home(s) it serves.
Dwelling, rowhouse	Two (2) spaces per dwelling unit.
Dwelling, single-family detached	Two (2) spaces.
Dwelling, single-family detached with independent living quarters	Three (3) spaces.
Hotel or motel	One (1) space per bedroom plus one (1) additional space per two (2) employees.
Recreational lodge	One (1) space per three (3) persons based on maximum occupancy.
Rooming house	Two (2) spaces per single family unit plus one (1) space per guest room.
Storage Uses	
Automobile graveyard	One (1) space per employee plus two (2) customer spaces.
Impound lot	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises.
Mini-storage	Three (3) spaces per 1000 feet of gross office area, plus one (1) space per employee.
Warehouse	Three (3) spaces per 1000 feet of gross office area, plus one (1) space per employee.
Industrial Uses	

Airport, heliport, or flight strip	To be determined at site plan level
Biomass conversion facility	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises;
Buggy and harness shop, repair and sales	One (1) space per regular employee plus one (1) space per two hundred fifty (250) square feet of floor area.
Bus or rail terminal	To be determined at site plan level
Cabinet, furniture, woodworking, upholstery shop	One (1) space per employee, plus one (1) space for each company vehicle, plus one (1) space per five hundred (500) square feet of floor area.
Carpet and rug cleaning service, drop-off & pick-up facility	One (1) space per employee, plus one (1) space per company vehicle, plus three (3) customer spaces.
Central energy plant	One (1) space.
Contractor's operation	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises, plus one (1) space per 200 square feet of customer service area,
Electrical substation	One (1) space.
Industry, heavy	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises, plus one (1) space per 200 square feet of customer service area,
Industry, light	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises, plus one (1) space per 200 square feet of customer service area,
Meat processing facility	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises, plus one (1) space per 200 square feet of customer service area,
Metal-working facility	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises, plus one (1) space per 200 square feet of customer service area,
Motor vehicle repair shop	One (1) space per employee plus one (1) space per two hundred fifty (250) square feet of floor area;
Motor vehicle tow service	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises.
Quarry operation	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises, plus one (1) space per 200 square feet of customer service area,
Refuse collection and recycling center	One (1) space per employee.
Sanitary landfill	One (1) space per employee plus six (6) visitor spaces.
Sawmill or lumber mill	One (1) space per employee on the maximum working shift, plus one (1) space per company vehicle operating from the premises, plus one (1) space per 200 square feet of customer service area,

Truck terminal	To be determined at site plan level
Water storage tank	One (1) space.
Water/wastewater treatment facility	One (1) space.
Wind energy system, large-scale	One (1) space.
Wireless telecommunications facility	One (1) space.
Other Uses	
Temporary structure	One (1) per employee working in the structure.

17-702.06. Overflow Parking.

Where requested, the applicant may propose that a portion of their required parking, based on the use, be designated as overflow parking. Overflow parking shall not constitute more than 50% of the required parking for any use. The overflow parking shall be constructed of an alternative all-weather, permeable surface, such as grass pavers, soundly engineered, and must be constructed and designated in a manner that is easily identifiable to the public.

17-702.07. Shared Parking.

For shared parking, supporting documentation and a plan for parking shall be submitted as a part of the final plan or site plan. Supporting documentation may include, but is not limited to, such items as use-specific parking needs, pedestrian-and bicycle-use statistics, hours of operation, number of employees, off-site employee parking, alternating hourly- or seasonal-use parking, availability of general-use parking areas, shuttle services provided, and mass transportation availability.

17-702.08. Off-Street Loading and Unloading Space.

- A. Size of off-street loading spaces. Each off-street loading space shall have minimum dimensions of fourteen (14) feet in height, twelve (12) feet in width, and fifty (50) feet in length.
- B. Connection to road or street.
 - 1. Each required off-street loading space shall have direct access to a road or street or have a driveway which offers satisfactory ingress and egress for trucks.
 - 2. Documentation shall be provided to ensure adequacy of ingress and egress from the off-street loading spaces, to include, at a minimum, turning radius overlays.
- C. For each hospital, hotel, or commercial or industrial building requiring receipt or distribution of materials or merchandise one (1) off-street loading space, which may be shared by other establishments, shall be provided. All required off-street loading spaces shall be located on the same lot as the building for which they are primarily intended to serve.
- D. Off-street loading spaces shall be appropriately placed so as not to interfere with the safe movement of pedestrians and vehicles over any travel way.

- E. Space shall be provided to accommodate the maximum number of buses or trucks to be stored or to be loaded at the bus terminal or truck terminal at any one time.
- F. Documentation showing adequacy in the number and size of spaces, with reference to national standards, shall be submitted with the site plan.
- G. Area reserved for off-street loading in accordance with the requirements of this chapter shall not be reduced in area or changed to any other use unless:
 - 1. the use which is served is discontinued or modified, or:
 - 2. equivalent loading space is first provided that meets the requirements herein.

17-703. Landscaping.

17-703.01. Landscape Plan.

- A. A landscape plan submitted in accordance with the provision of this section and approved by the Zoning Administrator shall be required for any use or development for which a site plan is required by Article 10, Procedures.
- B. The landscape plan shall show the following information,:
 - 1. Location of all property lines, rights-of-way, utility easements, proposed and existing buildings and structures, common areas, sidewalks and trails, parking areas, vehicle circulation areas, loading and unloading spaces, and site ingress and egress, taking into consideration traffic hazards;
 - 2. All applicable requirements of this article for tree planting, landscaping, treatment of setbacks, buffers, and screening;
 - 3. The general location and character of any landscaping, fences, walls, retaining walls, berms, stormwater retention, and other significant landscaping features;
 - 4. Existing topography and final grading in accordance with specifications required for site plan submission in Article 10, Procedures;
 - 5. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible and shall be shown on the plan;
 - 6. Any additional information deemed necessary by the Zoning Administrator to determine compliance with the requirements of this article or other related provisions of this chapter.
- C. With prior approval of the Zoning Administrator, the required contents of the landscape plan may be shown on the site plan or final plan, and particular information may be omitted from a landscape plan when, due to the nature or limited scope of a development, such information is not necessary for evaluation of the plan or for purposes of maintaining a record.

17-703.02. Street Landscaping.

Street landscaping shall comply with VDOT's "Guidelines for Planting along Virginia's Roadways".

17-703.03. Parking Area Landscaping.

- A. The requirements of this section shall be applicable to all off-street parking areas exceeding four thousand five hundred (4,500) square feet in area. For purposes of this section, the area of an off-street parking area shall be that portion of a lot which is paved or otherwise improved for the purpose of parking vehicles, including all parking spaces, access aisles, driveways, loading and unloading spaces, and vehicle stacking areas and maneuvering spaces. The parking area shall be separated from any streets or property lines by a minimum of ten (10) feet; this area shall not count toward any parking area landscaping requirement.
- B. In the case of the expansion of any parking area existing on October 1, 2014 by more than two thousand (2,000) square feet, the landscape requirements of this section shall be determined using only the area of expansion, but may be dispersed throughout the entire parking area.
- C. When fifteen (15) or more parking spaces are required under Section 17-702, not less than three (3) percent of the parking area shall be devoted to landscape islands or other landscaping internal to the parking area.
 - 1. No minimum number of landscape islands shall be required to satisfy the three (3) percent of the parking area devoted to landscaping. However, each landscape island shall be at least one hundred forty (140) square feet in area, and shall be placed so that no more than twelve (12) spaces are contiguous. Any additional landscape islands shall be situated in one or more of the following manners:
 - a. Within an otherwise continuous row of parking spaces so as to provide separation between such spaces;
 - b. At the end of a row of parking spaces so as to provide separation between such spaces and an access aisle or driveway;
 - c. Between opposing rows of parking spaces, or between a row of parking spaces and an access aisle or driveway; or
 - d. At the end of a row of parking spaces so as to provide a landscaped corner between rows of parking spaces that are arranged at an angle to one another.
 - 2. Truck-parking areas shall not be required to include landscape islands. However, the parking area shall be required to have at least three (3) percent of the parking area devoted to other landscaping internal to the parking area.
 - 3. For each one-hundred fifty (150) square feet of landscaped area, or portion thereof, at least one (1) deciduous tree having a caliper of not less than two (2) inches at the time of planting shall be planted. The minimum pervious area surrounding a planted tree shall have a four and one-half (4 ½) foot radius when there is no grate. If a grate is

installed, the minimum pervious area surrounding a planted tree shall have a two and one-half (2 ½) foot radius.

4. For each one-hundred fifty (150) square feet of landscaped area, or portion thereof, at least three (3) shrubs shall be planted in a landscaped area.
5. The location of landscape materials and the size of vegetation at maturity shall be coordinated with the location of signs, outdoor lighting, and sight distances at entrances. Landscape materials shall not interfere with public safety, the viewing of signs from travel ways, or the intended effectiveness of outdoor lighting.

17-703.04. Buffer Areas.

- A. The minimum buffer area required to be provided by a developing property, based on the compatibility of the zoning district of the developing property with the adjacent zoning district(s), shall be in accordance with Table 17-703.04. Buffer Areas.
- B. The primary means of buffering shall be through the preservation of healthy native woodlands. If preserved native woodlands sufficient to meet the intent of the buffer are not present, then additional buffering shall be provided through supplemental landscape materials.
- C. Except where otherwise permitted in Chapter 17, buildings, structures, retaining walls three (3) feet or greater in height (except where utilized to retain existing vegetative cover), active recreation facilities, parking areas, and loading and unloading spaces, shall not be located in the buffer areas between dissimilar uses. Retaining walls less than three (3) feet high, sidewalks, paths, and trails may be allowed within a buffer.
- D. Buffer areas can be penetrated by joint entrances connecting abutting land uses provided the disturbed area is kept to a minimum.

Table 17-703.04. Buffer Areas.

	A-1, A-2, RR-1	R-1, R-2, PG, PSF	R-3, PMF	R-4, R-5, MXU	PCD, PMR	RV, B-1, B-2	MH-1, MHP	I-1, I-2, PID, S-1
A-1, A-2, RR-1	X	C	C	C	C	B	B	A
R-1, R-2, PG, PSF	C	X	B	A	B	C	B	C
R-3, PMF	C	B	X	A	A	B	B	C
R-4, R-5, MXU	C	A	A	X	A	A	B	C
PCD, PMR	C	B	A	A	X	A	B	B
RV, B-1, B-2	B	C	B	A	A	X	B	B
MH-1, MHP	B	B	B	B	B	B	X	B
I-1, I-2, PID, S-1	A	C	C	C	B	B	B	X

17-703.05. Buffer Planting Requirements.

- A. Where native woodland conservation is not provided or is not sufficient to achieve the intent of a required buffer, landscaping shall be provided.
- B. The buffer area planting requirements are determined in Table 17-703.05.A.
 1. Plant unit requirements shall be met through a combination of two or more plant types listed in Table 17-703.05.B.
 2. The total number of plant units shall be equal to or greater than the requirement for the buffer area type.
 3. Where the buffer width will allow, a berm may be substituted for fifty percent (50%) of the plant unit requirement. The berm should be graded to appear smooth, rounded and natural. The berm shall be a minimum of four (4) feet higher than the elevation of the adjacent ground. Its slope shall not exceed 33%.

4. A six (6) foot tall opaque fence (board-on-board) or wall may be substituted for fifty percent (50%) of the plant unit requirement.
5. When existing woodland is located within the entire minimum buffer area, preservation of the woodland shall be allowed to substitute for the required plant material, provided that:
 - a. The woodland meets the minimum size requirement; and
 - b. The buffer provided by the woodland meets the intent of this chapter.

Table 17-703.05.A. Buffer Area Width and Plant Requirements.

Type	Average Width (feet) *	# of Plant Units Per 150 Feet or portion thereof of ROW or Property Line
A	10	10
B	20	20
C	30	30

*Buffer width is an average width but, in no case, shall be less than 5 feet.

Table 17-703.05.B. Buffer Area Plant Unit Requirements.

Plant Type*	Plant Unit
*Minimum plant size in accordance with Section xx	
1 large deciduous tree	10
1 evergreen tree (any category)	5
1 deciduous understory tree (medium, small, or compact categories)	5
1 shrub	2

17-703.06. Buffer Areas Against Vacant Properties.

If a developing property, with a nonresidential zoning district, is adjoining a vacant property zoned for residential use, the full buffer width, as identified in Table 17-703.04. Buffer Areas, shall be provided.

17-703.07. Screening.

On-site functions, such as loading and unloading areas, dumpsters and trash collection, outside storage areas, maintenance areas and equipment, and mechanical equipment, shall be

screened by using one or more of the following options in order to effectively screen the on-site function from streets utilized by the public and adjoining residential and agricultural uses:

- A. A minimum six (6)-foot high opaque fence or wall, the height of which shall be no lower than the functions/items being screened. An appropriate gate shall be provided, if applicable.
- B. A three (3)-foot high berm with plantings of six (6)-foot high evergreen screening is provided.
- C. For ground level or rooftop mechanical and similar equipment, any architectural element compatible with the building is acceptable, as long as it screens the view of the equipment.

17-703.08. Utility Easements.

- A. In any Conventional District, where public water and sewer serve the parcel, all setbacks shall include a ten (10)-foot utility easement.
- B. In any Planned District, utility easements shall be a minimum of twenty (20) feet in width. Location of all utility easements shall be determined and approved as part of the final plan.
- C. Districts located within urban growth areas designated in the Comprehensive Plan or any other plan adopted by the County shall require underground installation of utilities wherever possible, subject to the standards and regulations of the controlling utility company or agency.
- D. No structure shall be placed within a utility easement unless otherwise permitted by the controlling utility company or agency.
- E. Landscaping or other improvements may be placed within utility easements upon approval by the controlling utility company or agency. If landscaping or other improvement is destroyed or damaged, the landowner shall be responsible for replacement and repair of any required landscaping and users of the easement shall not be held liable.

17-703.09. Maintenance and Replacement of Required Landscaping.

All required landscaping, trees, buffers, and screening shall be installed, maintained, and replaced or supplemented at no cost to the county as necessary to continue to comply with the standards set forth in this article. All structural features installed to satisfy the requirements of this article shall be maintained, repaired, replaced, painted, or otherwise enhanced as necessary to continue to perform the function for which they are intended.

17-704. Outdoor Display.

- A. Where the outdoor display area is located adjacent to a building, an unoccupied area of not less than five (5) feet in width shall be provided for pedestrian access between any outside display and any adjacent parking lot;
- B. The outdoor display area shall be a minimum of ten (10) feet from all property lines and if adjacent to a state-maintained road shall meet requirements of VDOT with regard to setback from the road;

- C. In no instance shall the outdoor display of merchandise be located within, nor encroach upon, a fire lane, access aisle, or a parking space necessary to meet the minimum parking requirements;
- D. Outdoor displays shall not obstruct visibility within a parking lot. Where an outdoor display is located at the intersection of two (2) or more access aisles within a parking lot, the displayed merchandise shall not exceed 30 inches in height above the grade level of the parking lot;
- E. Outdoor displays shall not be located at the intersection of a access aisle and any street utilized by the public;
- F. With the exception of a landscaping service; motor vehicle sales lot; sale of manufactured homes, campers, camper trailers, and recreational vehicles; machinery and equipment center, or any other similar use as determined by the Zoning Administrator, the area devoted to outdoor display shall not exceed fifty (50) percent of the total floor area of the building occupied by the use to which such outdoor display is accessory.
- G. An outdoor display plan shall be submitted and approved as part of the site plan or special use permit.

17-705. Outdoor Commercial Storage.

- A. An outdoor commercial storage plan shall be submitted and approved as part of the site plan or special use permit.
- B. Outdoor commercial storage shall:
 - 1. be accessory to the approved main use on the same lot ;
 - 2. not occur within any minimum required building setback;
 - 3. be located in the rear yard of the property;
 - 4. be screened from view of the streets utilized by the public and adjacent properties using any combination of fencing and landscaping;
 - 5. not exceed the height of the screening.

17-706. Outdoor Lighting.

- A. All outdoor lighting, including the placement, orientation, distribution patterns and fixture types of outdoor lights, shall be installed to protect the district and the adjacent properties from light trespass and light pollution to the fullest extent possible. This includes pole-mounted lights and wall-mounted lights (wall packs). Copies of the manufacturer cut sheet of each type of light used shall be provided at either the site plan or building plan review phase.
- B. Lighting facilities shall be so arranged that light is directed away from adjacent properties. Lights are to be a sharp cut-off design in a fixed position, which orients the light down and provides only 0.5 foot-candle maximum at the property line.

- C. No lighting shall be allowed to produce illumination or glare on streets detrimental to the safety and convenience of the public.
- D. Lighting shall be provided for streets within all areas of the district where sidewalks and other pedestrian areas are provided. Additional lighting for public safety may be required by the Zoning Administrator.
- E. Lighting shall use shielded fixtures, (such as house-side shields), and structural or vegetative screening that is effective year round.
- F. All outdoor lighting, including that for recreational facilities, shall be recessed or shielded so that all light emitted is projected below a plane running from the bottom of the light fixture to the property line.
- G. All outdoor lighting, including display lighting, shall be turned off after the close of business hours, except that needed for safety and security, in which case lighting shall be reduced to the minimum level necessary.
- H. Canopy lighting shall be recessed and/or shielded so that all light emitted is projected directly beneath the canopy and not beyond it. All parts of the light fixtures must be recessed into the horizontal ceiling of the canopy, and the vertical edges of the canopy shall be lower than the horizontal ceiling in which the lighting is affixed.
- I. Lighting posts and fixtures shall be placed such that landscaping, vegetation, and signage are not likely to interfere with the effectiveness of the lighting.
- J. Street lighting with adjacent pedestrian traffic shall provide a minimum average maintained illuminance level of one footcandle (10 lux) measured at 30 inches above grade level, and with an average to minimum uniformity ratio not exceeding 4:1.
- K. At crosswalks, parking lots, and other areas where pedestrians are likely to enter vehicular traffic areas, higher lighting intensity levels shall be provided.
- L. All lighting shall be maintained and replaced or supplemented as necessary to continue to comply with this article. All structural features installed to satisfy the requirements of this article shall be maintained, repaired, replaced, painted, or otherwise enhanced as necessary to continue to perform the function for which they are intended.

17-707. Signs.

17-707.01. General.

- A. All signs shall comply with this article. Where these requirements conflict with other requirements or standards in Chapter 17, the more restrictive shall govern.
- B. Sign area shall be measured within a continuous perimeter enclosing the entire display face of the sign, including background, framing, trim, molding, and other borders, but excluding supports and uprights unless such supports or uprights are designed as an integral part of the display for the purpose of illustration or attraction.

1. Where a sign consists of two identical parallel faces, which are back to back, and located not more than twenty-four inches (24") from each other, only one side of such sign shall be used in calculating the sign area.
 2. All faces shall be used to calculate the sign area when structures have non-parallel faces.
 3. The sign area of a cylindrical sign shall be computed by multiplying one-half ($\frac{1}{2}$) the circumference by the height of the sign.
 4. Where individual letters, characters, or figures are mounted so as to use a building facade as a background, the sign area shall be determined by calculating the sum of the area within the outer perimeter of the letters, characters, or figures comprising the total message, symbol, or advertisement.
 5. The maximum allowable cumulative sign area permitted on any parcel shall be calculated with respect to the addressed street:
 - a. Unless otherwise specified, the maximum allowable cumulative area shall be based on the width of the primary building's façade that is parallel, or nearly so, to the street frontage.
 - b. All permanent signs, unless specifically exempted by the terms of this article, shall be counted in the calculation of maximum cumulative sign area.
- C. The height of signs shall be the vertical distance measured from the average, finished-grade ground elevation, ten feet (10') from where the sign is located, to the highest point of the sign, unless otherwise approved by the Zoning Administrator.
1. The maximum allowable height of signs shall be as specified by the regulations established in Table 17-707.04.
 2. No sign, unless herein exempted, shall be erected, constructed, or altered until a permit has been issued by the Zoning Administrator.
- D. Fees for sign permits shall be in accordance with the schedule of fees adopted by the Board of Supervisors.
- E. Any existing sign pertaining to a valid nonconforming commercial or industrial use, other than a home occupation as defined by this Chapter, which is located within a residential zoning district, shall be deemed a valid nonconforming structure.
- F. No signs shall be permitted for any business activity not possessing a valid site plan approval issued by the Zoning Administrator.
- G. No sign, other than a sign approved or installed by VDOT, shall be located within or over any public right-of-way.
- H. No sign, whether permanent or temporary, shall be attached to trees, utility poles, or other supporting structures, unless specifically authorized by the Zoning Administrator.

- I. Except in the case of shopping centers and corner lots, not more than one (1) permanent free-standing sign shall be permitted for each parcel.
- J. The minimum setback of any free-standing sign from any property line shall be five feet (5').
- K. Corner lots shall be entitled to one (1) free-standing sign for each road frontage provided. However, this provision shall not apply along road frontages where restricted access easements are in place.
- L. No sign, whether temporary or permanent, excluding free-standing signs, shall be taller than, or extend over or above, the ridgeline of any roof, or the top of any parapet wall of a building.
- M. The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect surrounding premises nor adversely affect safe vision of operators of vehicles or non-motorized means of transportation moving on streets or parking areas.
 - 1. No light sources shall be used with any sign in such a manner that causes offensive glare or creates a traffic hazard. All VDOT regulations shall be met.
 - 2. All exposed conduit and junction boxes should be concealed from public view.
 - 3. Illumination from below shall be directed and shielded such that only the sign is illuminated.

17-707.02. Temporary Signs.

The Zoning Administrator may issue approval for the following temporary signs:

- A. Signs not exceeding thirty-two (32) square feet in area, which promote a special civic, cultural, or religious event such as a fair, exposition, play, concert, or meeting sponsored by a governmental, charitable, or religious organization. The duration of such permit shall not exceed thirty (30) days.
- B. Temporary signs, not exceeding thirty-two (32) square feet in area and no more than one (1) per parcel, which are intended to identify or display information pertaining to an establishment for which a permanent free-standing signage is on order, as evidenced by providing a copy of an executed order form for such permanent signage to the Zoning Administrator. Such temporary sign permit shall expire and the portable sign shall be removed upon erection of the permanent sign or thirty (30) days, whichever shall occur first.
- C. Banners when used in conjunction with the opening of a new business or an establishment going out of business in any business or industrial district. The duration of such temporary sign permit shall not exceed thirty (30) days.
- D. Banners when used to announce business sales, the grand opening and initiation of sales, or leasing of lots and/or dwelling units within a newly developing residential project having at least ten (10) lots or units.

1. The cumulative area of all such banners erected for any single residential project shall not exceed forty (40) square feet.
2. Banners shall not be illuminated.
3. The duration of such temporary sign permit shall not exceed thirty (30) days.

E. Banners when used to announce special events.

1. The cumulative area of all such banners erected for any single event shall not exceed forty (40) square feet.
2. Banners shall not be illuminated.
3. Such signs shall not be erected more than fourteen (14) days prior to the event and shall be removed within seven (7) days following the closing of the event.
4. The duration of such temporary sign permit shall not exceed thirty (30) days.

F. Temporary sign permits may be renewed prior to expiration. No temporary sign permit may be renewed more than twice.

17-707.03. Exempted Signs.

The following signs may be erected, altered, or maintained in any zoning district when in accordance with the general provisions established herein. Permits shall not be required unless specifically noted. Signs listed in this section do not count toward the cumulative total sign area allowed on a parcel.

- A. Signs erected and maintained pursuant to and in discharge of any federal, state, or county governmental function, or as may be required by law, ordinance, or governmental regulation; including official traffic signs and signals, warning devices, and other similar signs.
- B. Memorial signs or tablets, cornerstones, or names of buildings when cut into masonry or when constructed of bronze or other noncombustible material; not to exceed six (6) square feet in sign area.
- C. Non-illuminated development signs, not exceeding thirty-two (32) square feet in area and six (6) feet in height and limited to one sign for each street frontage, when displayed on the premises to which such sign refers.
 1. No such signs shall be permitted unless a building permit has been issued or unless a site plan for the proposed development project has been submitted to the Department of Community Development for official review.
 2. Such signs shall be removed at the completion of construction.
- D. Non-illuminated realty signs, not exceeding six (6) square feet in area and four (4) feet in height in all single family residential districts, and thirty-two (32) square feet and six (6) feet in height in all agricultural, multi-family, business, and industrial zoning districts, and limited

to one sign for each street frontage, and only when displayed on the premises to which such sign refers.

- E. Non-illuminated signs identifying official state automobile inspection stations and the inspection number which is then due, provided that such signs shall not exceed sixteen (16) square feet in area and shall be limited to one sign for each street frontage. A-frame or V-frame designs shall be considered as a single sign for the purposes of this section.
- F. Bulletin boards for churches or other places of worship, or for public buildings, when located on the same premises as the building to which they refer, and provided that such signs shall not exceed twelve (12) square feet in area and eight (8) feet in height. No free-standing or illuminated sign shall be permitted unless a permit has been issued by the Zoning Administrator.
- G. Non-illuminated signs and posters of less than four (4) square feet in area advertising or providing directions to a residential, civic, or community yard sale, or an estate sale or auction, provided they are located on private property with permission of the property owner(s) and are removed promptly at the end of the event.
- H. Signs attached to machinery or equipment which is necessary or customary to a business including, but not limited to, gasoline islands, vending machines, or ice machines, provided that such signs refer exclusively to products or services offered on the premises.
- I. On-premises safety and directional signs, not exceeding six (6) square feet in area and eight (8) feet in height and not containing any advertising material or discernible business logo. No on-premises directional signs shall be illuminated unless a permit has been issued by the Zoning Administrator.
- J. Signs attached directly to the interior or exterior of the windows of business and industrial uses, provided such signs shall not occupy more than twenty-five percent (25%) of the total area of the window in which they are displayed and shall not be legible from any street.
- K. Menu boards which are either free-standing or wall signs providing information on food and beverages offered for drive-in sales on the premises, provided that such signs and any business logos thereon are not legible from any street and do not exceed twenty-four (24) square feet in area and eight (8) feet in height. No menu boards shall be illuminated unless a permit has been issued by the Zoning Administrator.
- L. Flags, emblems, or insignia of the United States, the Commonwealth of Virginia, Rockingham County, other jurisdictions, religious groups, civic organizations, service clubs, and similar organizations, groups, agencies, etc.
 - 1. One (1) corporate logo emblem flag per parcel shall be permitted.
 - 2. A flagpole shall comply with the building height regulations of the district in which the flagpole is located. However, in the residential districts, flagpole height shall not exceed thirty-five (35) feet.
- M. Special-notice placards, not to exceed a total of four (4) square feet in area for all such placards of any establishment, attached to a building or to a free-standing sign indicating credit cards which are accepted on the premises, group affiliations of which the business is

a member, or clubs or groups which utilize, recommend, inspect, or approve the business for use by its members. No special-notice placard shall be illuminated unless approval has been issued by the Zoning Administrator.

- N. Identification and directional boards, which are either free-standing or wall signs, designed as an outdoor means of providing information concerning the location of individual establishments or offices within an office, business, or industrial complex, provided that such signs are not legible from any street and do not exceed twenty-four (24) square feet, and are no taller than nine (9') feet, and provided that only one such sign shall be permitted per lot.
1. No identification and directional boards shall be illuminated unless approval has been issued by the Zoning Administrator.
 2. No identification and directional boards shall be free-standing unless approval has been issued by the Zoning Administrator.

17-707.04. Signs as Permitted Uses.

- A. The following table indicates the structural class, area, height, and type of illumination of signs permitted in land use areas. Where two or more land use areas apply, the more stringent requirements shall hold.
1. Approved commercial uses in the Agricultural, Rural Village, and Residential districts may have internally illuminated signs provided the allowable signage is reduced by 20 percent.
 2. Maximum cumulative sign area per parcel exclusive of the free-standing sign in the Public Service, Business, or Industrial districts shall be measured per linear foot of primary building width.
 3. Parcels which front on a Virginia primary highway shall be allowed a twenty-five (25) percent increase in the allowable freestanding sign area.

Table 17-707.04. Signs as Permitted Uses.

Land Use Areas Where Permitted		Agriculture	Rural Village	Residential	Public Service	Business	Industrial
Structural Class	Free-standing	P	P	P	P	P	P
	Marquee/ Canopy	P	P	P	P	P	P
	Projecting	P	P	P	P	P	P
	Roof	P-	P	-	-		P
	Wall	P	P	P	P	P	P
Illumination Type	Electric Message Centers		SU	-	-	P	P
	Internal	P*	P*	P*	P	P	P
	External	-	-	-	P	P	P
Free-Standing Signs &	Maximum Area	32 ft ²	32 ft ²	32 ft ²	32 ft ²	64 ft ²	90 ft ²
	Maximum Height	9 ft.	9 ft.	9 ft.	25 ft.	25 ft.	35 ft.
Maximum Cumulative sign area per lot or parcel exclusive of the free standing sign		24 ft ²	24 ft ²	24 ft ²	1 ft ² **	1.5 ft ²	1.5 ft ²

B. Signs in all planned districts shall meet the requirements of the corresponding use chart above and shall submit a comprehensive Sign Package as part of the master plan to include:

1. A general description and discussion of the development project, the purpose and scope of the Sign Package, and the design theme for the proposed signage. All Sign Packages shall contain provisions stating that "All tenants, businesses, and owners within the development shall receive a copy of the Comprehensive Sign Package from the owner at the time of lease/sale," and that "All signage within the development shall be in conformance with the Comprehensive Sign Package." This section shall also include one of the following two provisions:

- a. "Any signage not specifically identified in this Sign Package shall conform to County Ordinance standards"; or

- b. "Any signage not specifically identified in this Sign Package is prohibited".
- 2. Identification of sign design, fabrication and installation standards, owner maintenance and repair requirements, and compliance with State Building and Electric Codes and sign permit requirements.
- 3. Procedures and process for tenants, owners, businesses, and sign contractors to obtain approval for all permanent or temporary signage for the development project through the master plan developer/owner and then through the County of Rockingham. All Sign Packages shall contain provisions stating that "A copy of the Master Plan developer/owner's approval of a sign shall be submitted to the County with all requests for sign permits," and that "All signs installed shall have owner or County approval."
- 4. For each sign type sign, detailed information and provisions shall be provided identifying their function, location, permitted sign copy area (maximum individual and aggregate sign areas per business), size and height, color palettes, illumination, directional arrow details, project and business logos, and all other appropriate sign specifications. A detailed list of each type of sign to be permitted in the development, including but not limited to:
 - a. Wall
 - b. Monument
 - c. Multi-Tenant
 - d. Directory
 - e. Directional
 - f. Freestanding
 - g. Menu Board
 - h. Window
 - i. Awning
- 5. A color graphic of each type of sign, drawn to scale, identifying its design, color palette, font style and letter size, illumination, materials, and sample sign copy area.
- 6. A summary table that briefly lists all proposed signage that deviates from the sign provisions contained within the Zoning Ordinance; identifying the ordinance standard, the proposed signage, the variance from the standard, and summary reasons why the proposed deviation is proposed and reasonable/appropriate for the development.
- 7. Description of the type, purpose, size, location, content, and allowed duration of use for any allowed temporary signs, banners, etc. (e.g., grand opening, coming soon, special events).

8. Identification of the type of signs specifically prohibited, in addition to those already prohibited by the provisions of this ordinance, within the development (e.g., animated, flashing, or rotating signs, roof signs, vehicle signs, portable signs posted beyond business hours).
- C. The following provisions shall apply to free-standing signs in every zoning district with shopping centers over 50,000 square feet:
1. One (1) free-standing sign shall be permitted for each street frontage.
 - a. The maximum sign area of any one (1) free-standing sign shall be one hundred fifty (150) square feet.
 - b. The maximum cumulative sign area for free-standing signs for each shopping center shall be two hundred (250) square feet.
 - c. No individual business shall have signage which exceeds the allowable for the zoning district in which it is located.
 2. Each individual business within a shopping center shall be permitted one (1) projecting or canopy sign provided that such sign shall not exceed a maximum sign area of six (6) square feet and shall have a minimum ground clearance to the bottom of the sign of not less than eight (8) feet.
 3. In addition to the projecting or canopy sign, wall signs shall be permitted provided that the cumulative sign area of the projecting, canopy, and wall signs shall not exceed the maximum cumulative sign area allowed in the zoning district.
 4. Individual free-standing signs for individual shopping center tenants shall not be permitted in excess of the allowable sign area for the zoning district.

17-707.05. Off-Premises Signs.

- A. The Zoning Administrator may authorize the installation of off-premises directional signs, subject to the following findings and conditions:
1. The location of the use, to which the sign pertains, prevents adequate identification by permitted signs on the premises.
 2. The function of such signs shall be limited to directional or identification purposes.
 3. The location of such signs shall be consistent with the uses existing or permitted on the site of such sign. A written authorization from the owner of the property on which such sign is proposed to be located or a recorded easement permitting the placement of the sign shall be submitted to the Zoning Administrator at the time of application for necessary permits.
 4. Such signs shall be subject to the maximum area and height standards established in 17-707.01. General. and to all other applicable provisions of this chapter. Not more than three (3) such signs shall be permitted for any single use.

5. Directional signs shall not exceed four (4) square feet and shall list only the name of the business or establishment.
- B. A special use permit shall be obtained for off-premise signs that do not meet the requirements listed above. All off-premises signs must meet the requirements of Section 17-707, Signs.

17-707.06. Prohibited Signs.

The following signs are prohibited in all zoning districts:

- A. Abandoned signs
 1. If a business moves or closes, signs advertising such business shall be considered abandoned and shall be removed within thirty (30) days following such relocation or closure.
 2. If the sign has not been removed, the Zoning Administrator shall make a reasonable attempt to notify the owner of the property to have the owner remove the sign within thirty (30) days.
 3. If at the expiration of the allotted time the sign is not removed, Rockingham County, through its agents or employees, may enter the property upon which the sign is located and remove it at the property owner's expense.
- B. Banners, except as allowed in Section 17-707.02, pennants, or inflatables.
- C. Signs imitating or resembling official traffic or government signs or signals.
- D. Signs attached to trees, utility poles, public benches, streetlights, or placed on any public property or public right of way, unless otherwise specified in this article.
- E. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. This does not apply to allowed portable signs or signs or letters on buses, taxis, or vehicles operating during the normal course of business.
- F. Flashing, blinking, revolving, rotating lights, or search lights.

17-707.07. Maintenance, Removal, and Nonconformance of Signs.

- A. All signs and sign structures shall be maintained.
 1. All signs shall adhere to the provisions of the building code.
 2. All signs deemed unsafe by the Building Official must be removed or brought into compliance with the provisions of the building code.
- B. An existing sign which does not conform to the specific provisions of this article shall be considered a valid nonconforming sign, provided that:
 1. The sign was installed in conformance with a valid permit or variance, or complied with all applicable laws prior to October 1, 2014.

2. The business advertised is still in legal operation.
- C. A valid nonconforming sign shall lose this designation if:
1. The sign is relocated or replaced under normal conditions.
 2. The structure or size of the sign is altered in any way except toward compliance with this article. Alteration does not refer to change of copy or normal maintenance.

CHAPTER 17. ZONING.

ARTICLE 8. AREA, SETBACK, AND HEIGHT STANDARDS.

Sec. 17-801.	Applicability.
Sec. 17-802.	Density.
Sec. 17-803.	Setbacks.
Sec. 17-803.01.	Front setback.
Sec. 17-803.02.	Side setback.
Sec. 17-803.03.	Rear setback.
Sec. 17-803.04.	Corner-lot setback.
Sec. 17-803.05.	Through-lot setbacks.
Sec. 17-803.06.	Structural encroachments in setbacks.
Sec. 17-803.07.	Modification of setback requirements.
Sec. 17-804.	Height Exemption.
Sec. 17-805.	Accessory Structures
Sec. 17-806.	Area, Setback, and Height Standards Tables.

17-801. Applicability.

The following area, setback, and height standards shall apply to all zoning districts set forth in Article 3, Districts, Conventional, and Article 4, Districts, Planned, of this chapter.

17-802. Density.

When calculating the maximum allowable density for any lot, any fractional dwelling count shall be rounded down to the nearest whole number.

17-803. Setbacks. 17-803.01. Front setback.

- A. The front setback shall be measured at a right angle to the centerline of the road or property line, whichever is closer to the primary structure. In the case of a curved right-of-way line or centerline, the depth shall be measured on the applicable radial line.
- B. In the A-1, A-2, and RV zoning districts and in Cluster Developments in the R-1, R-2, and R-3 zoning districts, where a lot does not achieve the minimum lot width at the road frontage, the setback shall be measured at a right angle from the point where the minimum lot width is achieved.
- C. In all other districts, minimum lot width shall be met at road frontage,

17-803.02. Side setback.

The required width of a side yard shall be measured at right angles to the adjacent side lot line.

17-803.03. Rear setback.

The depth of a rear yard shall be measured at a right angle to the rear property line.

17-803.04. Corner-lot setback.

- A. On lots which adjoin more than one (1) street, the direction in which the primary structure faces shall be determined to be the front yard.
- B. In all conventional zoning districts, primary and accessory structures shall meet front setbacks from any lot line adjoining a street.

17-803.05. Through-lot setbacks.

- A. Front setbacks shall be met on both frontages.
- B. In the A-1 and A-2 zoning districts, primary and accessory buildings shall meet front setbacks on both street frontages.

17-803.06. Structural encroachments in setbacks.

Setbacks shall be unoccupied and unobstructed. The ordinary projection of overhanging roofs, eaves, sills, cornices, buttresses, gutters, ornamental features, chimneys, flues, protective hoods and overhangs over a doorway, and bay windows shall not extend into the required setback. Any such feature attached to a building or structure is part of the main building or structure for setback purposes. Foundation surveys shall show all such overhanging projections.

17-803.07. Modification of setback requirements.

In any subdivision lot platted prior to October 14, 1969, front setbacks shall not be less than the average of the front setbacks on the existing developed lots on the same street.

17-804. Height Exemption.

- A. Height limitations, unless otherwise limited by this chapter, shall not apply to tanks, towers, conveyors, farm buildings, steeples, flagpoles, antennae, smokestacks, and public monuments.
- B. Structures may exceed the maximum height only by Special Use Permit.

17-805. Accessory Structures.

- A. In the A-1, A-2, and RV zoning districts, accessory structures may be taller than the primary structure. In all other zoning districts, accessory structures shall be no taller than the primary structure to which it is accessory.
- B. In the A-1, A-2, and RV zoning districts, accessory structures shall be permitted where the lot width has not achieved the minimum. All accessory structures shall meet the front setback.

17-806. Area, Setback, and Height Standards Tables.

The following tables provide the area, setbacks, and building heights permitted in each zoning district.

Table 17-805.01. Area, Setback, and Height Standards - Conventional						
Structures or Uses by Zoning Districts	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Height
Conventional Districts						
A-1, Prime Agricultural						
Primary structures	1 acre	100 feet	See footnote. [◇]	15 feet	35 feet	45 feet
Accessory dwellings	--	--	No closer than primary structure.	5 feet	5 feet	Height shall not exceed height of primary structure
Accessory structures, which are 580 sq ft or less of floor area	--	--	See footnote. [◇]	5 feet	5 feet	45 feet
Accessory structures, which are more than 580 sq ft of floor area	--	--	See footnote. [◇]	15 feet	35 feet	45 feet
A-2, General Agricultural						
Primary structures	1 acre	100 feet	See footnote. [◇]	15 feet	35 feet	45 feet
Accessory dwellings	--	--	No closer than primary structures	5 feet	5 feet	Height shall not exceed height of primary structure
Accessory structures, which are 580 sq ft or less of floor area	--	--	See footnote. [◇]	5 feet	5 feet	45 feet
Accessory structures, which are more than 580 sq ft of floor area	--	--	See footnote. [◇]	15 feet	35 feet	45 feet

[◇] Minimum Front Setback Requirements consist of two (2) distances:

Thirty-five (35) feet is the required distance from the road right-of-way if the right-of-way is fifty (50) feet or greater, or

Sixty (60) feet is the required distance from the centerline of the road if the right-of-way is less than fifty (50) feet.

[◇] Minimum Front Setback Requirements consist of two (2) distances:

Thirty-five (35) feet is the required distance from the road right-of-way if the right-of-way is fifty (50) feet or greater, or

Sixty (60) feet is the required distance from the centerline of the road if the right-of-way is less than fifty (50) feet.

Table 17-805.01. Area, Setback, and Height Standards - Conventional						
Structures or Uses by Zoning Districts	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Height
RV, Rural Village						
Primary structures	20,000 sq. ft.	100 feet	See footnote. [◇]	15 feet	35 feet	45 feet
Accessory dwellings	--	--	No closer than primary structures	5 feet	5 feet	Height shall not exceed height of primary structure
Accessory structures, which are 580 sq ft or less of floor area	--	--	No closer than primary structures	5 feet	5 feet	45 feet
Accessory structures, which are more than 580 sq ft of floor area	--	--	No closer than primary structures	15 feet	35 feet	45 feet
RR-1, Residential or Recreational						
Single-family detached dwellings Manufactured homes	5 acres	100 feet	See footnote. [◇]	35 feet	35 feet	35 feet
Accessory structures, which are 580 sq ft or less of floor area	---	---	See footnote. [◇]	35 feet	35 feet	35 feet
Accessory structures, which are more than 580 sq ft of floor area	---	---	See footnote. [◇]	35 feet	35 feet	35 feet
R-1, Low Density Residential						
Single-family detached dwellings	15,000 sq. ft.	100 feet	See footnote. [◇]	15 feet	35 feet	35 feet
Accessory structures	---	---	No closer than primary structure.	10 feet	10 feet	No higher than primary structure

[◇] Minimum Front Setback Requirements consist of two (2) distances:

Thirty-five (35) feet is the required distance from the road right-of-way if the right-of-way is fifty (50) feet or greater, or

Sixty (60) feet is the required distance from the centerline of the road if the right-of-way is less than fifty (50) feet.

[◇] Minimum Front Setback Requirements consist of two (2) distances:

Thirty-five (35) feet is the required distance from the road right-of-way if the right-of-way is fifty (50) feet or greater, or

Sixty (60) feet is the required distance from the centerline of the road if the right-of-way is less than fifty (50) feet.

Table 17-805.01. Area, Setback, and Height Standards - Conventional						
Structures or Uses by Zoning Districts	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Height
R-2, Medium Density Residential						
Single-family detached dwellings	12,000 sq. ft.	90 feet	See footnote. [◇]	10 feet	35 feet	35 feet
Duplex dwellings	6,000 sq. ft. per unit	45 feet	See footnote. [◇]	10 feet on side not adjoining other duplex dwelling	35 feet	35 feet
Accessory structures	---	---	No closer than primary structure	10 feet	10 feet	No higher than primary structure

[◇] Minimum Front Setback Requirements consist of two (2) distances:
 Thirty-five (35) feet is the required distance from the road right-of-way if the right-of-way is fifty (50) feet or greater, or
 Sixty (60) feet is the required distance from the centerline of the road if the right-of-way is less than fifty (50) feet.

Table 17-805.01. Area, Setback, and Height Standards - Conventional						
Structures or Uses by Zoning Districts	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Height
R-3, General Residential						
Rowhouses	1,800 sq. ft. per unit; 8 lots per acre maximum	10 feet; end lot 30 feet	See footnote. [◇]	10 feet for end lots	35 feet	45 feet
Apartment structures	14,000 sq. ft. for 3 units; add 1,000 sq.ft. for each additional unit over 3 units; 18 units per acre maximum	80 feet	See footnote. [◇]	10 feet on side not adjoining other apartment building	35 feet	45 feet
Accessory structures	---	---	No closer than primary structure	10 feet	10 feet	No higher than primary structure
MH-1, Mixed Home District						
Primary structures	6,000 sq. ft.	50 feet	35 feet	10 feet to lot lines; 25 feet to project perimeter	10 feet to lot line; 25 feet to project perimeter	--
Accessory structures	--	--	35 feet	5 feet	5 feet	No higher than primary structure

[◇] Minimum Front Setback Requirements consist of two (2) distances:
 Thirty-five (35) feet is the required distance from the road right-of-way if the right-of-way is fifty (50) feet or greater, or
 Sixty (60) feet is the required distance from the centerline of the road if the right-of-way is less than fifty (50) feet.

Table 17-805.01. Area, Setback, and Height Standards - Conventional						
Structures or Uses by Zoning Districts	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Height
B-1, General Business						
Primary structures	---	---	See footnote. [◇]	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	45 feet;
Accessory structures, which are no greater square footage than primary structure	---	---	---	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	45 feet, or no higher than primary structure, whichever is less
B-2, Neighborhood Business						
Primary structures	---	---	See footnote. [◇]	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	45 feet;
Accessory structures, which are no greater square footage than primary structure	---	---	---	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	45 feet, or no higher than primary structure, whichever is less

[◇] Minimum Front Setback Requirements consist of two (2) distances:

Thirty-five (35) feet is the required distance from the road right-of-way if the right-of-way is fifty (50) feet or greater, or

Sixty (60) feet is the required distance from the centerline of the road if the right-of-way is less than fifty (50) feet.

Table 17-805.01. Area, Setback, and Height Standards - Conventional						
Structures or Uses by Zoning Districts	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Height
I-1, General Industrial						
Primary structures	---	---	See footnote. [◇]	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	45 feet;
Accessory structures, which are no greater square footage than primary structure	---	---	---	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	45 feet, or no higher than primary structure, whichever is less
I-2, Limited Industrial						
Primary structures	---	---	See footnote. [◇]	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	45 feet;
Accessory structures, which are no greater square footage than primary structure	---	---	---	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	45 feet, or no higher than primary structure, whichever is less

[◇] Minimum Front Setback Requirements consist of two (2) distances:

Thirty-five (35) feet is the required distance from the road right-of-way if the right-of-way is fifty (50) feet or greater, or

Sixty (60) feet is the required distance from the centerline of the road if the right-of-way is less than fifty (50) feet.

Table 17-805.01. Area, Setback, and Height Standards - Conventional						
Structures or Uses by Zoning Districts	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Height
S-1, Public Service						
All structures or uses	Shall meet all regulatory agency requirements	--	Shall meet all regulatory agency requirements	Shall meet all regulatory agency requirements	Shall meet all regulatory agency requirements	Shall meet all regulatory agency requirements
Accessory structures, which are no greater square footage than primary structure	---	---	---	10 feet and in rear yard only	15 feet and in rear yard only	45 feet, or no higher than primary structure, whichever is less
Planned District						
R-PG, Planned Growth						
Single-family detached	40,000 sq. ft.	100 feet	See footnote. [◇]	15 feet	35 feet	45 feet
Accessory structures	---	---	No closer than primary structure	5 feet	15 feet	No higher than primary structure

[◇] Minimum Front Setback Requirements consist of two (2) distances:
 Thirty-five (35) feet is the required distance from the road right-of-way if the right-of-way is fifty (50) feet or greater, or
 Sixty (60) feet is the required distance from the centerline of the road if the right-of-way is less than fifty (50) feet.

Table 17-805.02. Area, Setback, and Height - Planned				
Structures by Zoning Districts	Maximum Density per Gross Acre	Minimum Setbacks from Interior Lot Lines	Minimum Setbacks from Project Perimeter	Maximum Building Height (feet)
PSF, Planned Single Family Residential				
Single-family detached & duplexes	12 units	5 feet	15 feet	45 feet
Accessory dwelling	1 unit/lot	5 feet & not in front yard	No closer than primary dwelling & not in front yard	45 feet or no higher than primary structure, whichever is less
Accessory structures	---	5 feet & not in front yard	15 feet & not in front yard	No higher than primary structure
PMF, Planned Multi-Family Residential				
Duplexes	12 units	5 feet*	15 feet	45 feet
Rowhouses	16 units	10 feet*	15 feet	45 feet
Apartment structures	32 units	10 feet; and 10 feet between buildings	15 feet	75 feet
Accessory structures	---	5 feet	15 feet & not in front yard *	No higher than primary structure
R-4, Planned Resort				
"A" Area	10 units	---	---	45 feet
"B" Area	20 units	---	---	45 feet
"C" Area	32 units	---	---	45 feet for single family detached, duplexes, rowhouses; 75 feet for apartment structures
"D" Area	40 units	---	---	45 feet for single family detached, duplexes, rowhouses; 75 feet for apartment structures
"Village Center" Area	No limit	---	---	75 feet
Accessory structures	---	---	---	No higher than primary structure *

* Setbacks do not apply to units that adjoin.

Table 17-805.02. Area, Setback, and Height - Planned				
Structures by Zoning Districts	Maximum Density per Gross Acre	Minimum Setbacks from Interior Lot Lines	Minimum Setbacks from Project Perimeter	Maximum Building Height (feet)
R-5, Planned Neighborhood				
"A" Area	10 units	---	---	45 feet
"B" Area	20 units	---	---	45 feet
"C" Area	32 units	---	---	45 feet for single family detached, duplexes, rowhouses; 75 feet for apartment buildings
"D" Area	40 units	---	---	45 feet for single family detached, duplexes, rowhouses; 75 feet for apartment structures
"Neighborhood Center" Area	No limit	---	---	75 feet
Accessory structures	---	---	---	No higher than primary structure, whichever is less
MHP, Planned Manufactured Home Park				
Manufactured homes and accessory structures	20 units	Front: 35 feet; side and rear: 10 feet. See 17-406.01.D.	Front: 35 feet; side and rear: 25 feet	---
Accessory structures, which are no more than 200 sq ft & no more than one per lot		5 feet & not in front yard	25 feet & not in front yard	No higher than manufactured home
MXU, Mixed Use				
Within Mixed Use Core:				
Rowhouses	32 units	Front: 20 feet maximum, 4 feet minimum. Side: no minimum; Rear: 20 feet	Front: 20 feet maximum, 4 feet minimum. Side: no minimum; Rear: 20 feet	45 feet
Duplexes	20 units	Front: 20 feet maximum, 4 feet minimum. Side: no minimum; Rear: 20 feet	Front: 20 feet maximum, 4 feet minimum. Side: no minimum; Rear: 20 feet	35 feet
Apartment structures	50 units	Front: 20 feet maximum; Fronting a plaza, green, or park: none; Side and Rear: none	Front: 20 feet maximum; Fronting a plaza, green, or park: none; Side and Rear: none	Maximum height: 60 feet; Minimum height: 28 feet
Commercial structures	---	Front: 20 feet maximum; Fronting a plaza, green, or park: none; Side and Rear: none	Front: 20 feet maximum; Fronting a plaza, green, or park: none; Side and Rear: none	Maximum height: 60 feet; Minimum height: 28 feet
Accessory structures	---	Side: none; Rear: 20 feet	Side: none; Rear: 20 feet	20 feet, when accessory to commercial or apartment structures; 16 feet, when accessory to duplexes, rowhouses

Table 17-805.02. Area, Setback, and Height - Planned				
Structures by Zoning Districts	Maximum Density per Gross Acre	Minimum Setbacks from Interior Lot Lines	Minimum Setbacks from Project Perimeter	Maximum Building Height (feet)
Within Residential Neighborhood:				
Single-family detached dwellings	10 units	Front: 10 feet minimum; 20 feet maximum, or not more than 20% of the depth of the lot, whichever is greater; Side: 5 feet; Rear: 20 feet	Front: 10 feet minimum; 20 feet maximum, or not more than 20% of the depth of the lot, whichever is greater; Side: 10 feet; Rear: 20 feet	35 feet
Accessory dwelling	1 unit/lot	5 feet & not in front yard	Not in front yard; Side: 10 feet; Rear: 20 feet	45 feet or no higher than primary structure, whichever is less
Duplex dwellings	20 units	Front: 10 feet minimum; 20 feet maximum, or not more than 20% of the depth of the lot, whichever is greater; Side: 5 feet; Rear: 20 feet	Front: 10 feet minimum; 20 feet maximum, or not more than 20% of the depth of the lot, whichever is greater; Side: 10 feet; Rear: 20 feet	35 feet
Rowhouses	32 units	Front: 8 feet minimum; 20 feet maximum; Side no minimum; Rear: 20 feet	Front: 8 feet minimum; 20 feet maximum; Side no minimum; Rear: 20 feet	45 feet
Accessory structures	---	Front: at least 20 feet more than the primary structure; Side: 5 feet; Garages: no minimum side setback; Rear: 5 feet	Front: at least 20 feet more than the primary structure; Side: 5 feet; Garages: no minimum side setback; Rear: 20 feet	20 feet
B-PCD, Planned Commercial Development				
Rowhouses	32	Front: 20 feet maximum, 4 feet minimum. Side: no minimum; Rear: 20 feet	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	Rowhouses: 45 feet
Apartment structures	50	Front: 20 feet maximum, 4 feet minimum. Side: no minimum; Rear: 20 feet	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	Apartment structures: 75 feet
Commercial primary structures	---	Front: 20 feet maximum, 4 feet minimum. Side: no minimum; Rear: 20 feet	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	75 feet
Accessory structures, which are no greater square footage than primary structure	---	Front: 20 feet maximum, 4 feet minimum. Side: no minimum; Rear: 20 feet	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	45 feet

Table 17-805.02. Area, Setback, and Height - Planned				
Structures by Zoning Districts	Maximum Density per Gross Acre	Minimum Setbacks from Interior Lot Lines	Minimum Setbacks from Project Perimeter	Maximum Building Height (feet)
PMR, Planned Medical and Research				
Single-family detached dwellings	10 units	Front: 20 feet maximum, 4 feet minimum. Side: no minimum; Rear: 20 feet	Front: 20 feet maximum, 4 feet minimum. Side: no minimum; Rear: 20 feet	45 feet
Duplex dwellings	20 units	Front: 20 feet maximum, 4 feet minimum. Side: no minimum; Rear: 20 feet	Front: 20 feet maximum, 4 feet minimum. Side: no minimum; Rear: 20 feet	45 feet
Rowhouses	18 units	Front: 20 feet maximum; Side and Rear: none	Front: 20 feet maximum; Side and Rear: none	45 feet
Apartment structures	50 units	Front: 20 feet maximum; Side and Rear: none	Front: 20 feet maximum; Side and Rear: none	75 feet
Accessory dwelling	1 unit/lot	5 feet & not in front yard of primary dwelling	Not in front yard of primary dwelling; Side: no minimum; Rear: 20 feet	45 feet, or no higher than primary structure, whichever is less
Commercial primary structures	---	Front: 20 feet maximum, 4 feet minimum. Side: no minimum; Rear: 20 feet	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	180 feet
Accessory structures, which are no greater square footage than primary structure	---	Front: 20 feet maximum, 4 feet minimum. Side: no minimum; Rear: 20 feet	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	45 feet
PID, Planned Industrial Development				
Primary structures	---	Front: 20 feet maximum, 4 feet minimum. Side: no minimum; Rear: 20 feet	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	None, except as shown on approved Master Plan
Accessory structures, which are no greater square footage than primary structure	---	10 feet and in rear yard only	If abutting business or industrial zoning: 15 feet. If abutting agricultural or residential zoning: 30 feet.	None, except as shown on approved Master Plan

CHAPTER 17. ZONING.

ARTICLE 9. NONCONFORMING LOTS, STRUCTURES, AND USES

Sec. 17-901.	Purpose.
Sec. 17-902.	Generally.
Sec. 17-903.	Repair, Rebuild, or Replace.
Sec. 17-904.	Act of God Defined .
Sec. 17-905.	Lots of Record .
Sec. 17-906.	Manufactured Homes
Sec. 17-907.	Removal of Nonconforming Signs .

17-901. Purpose.

The purpose of this article is to regulate nonconforming uses, buildings, structures, and lots. The intent of this article is to:

- A. Permit such nonconforming uses, buildings, structures and lots to remain under the terms and conditions of this article, until removed, discontinued, abandoned, or changed to conform with this chapter;
- B. Recognize that nonconforming uses, structures, and lots are generally incompatible with the character of the districts in which they occur and, as such, the nonconforming uses should gradually be removed in favor of uses, buildings, structures, and lots that conform to this chapter.

17-902. Generally.

- A. Lots, buildings, structures, and uses of land, which were lawful before this chapter was adopted or amended but which would not be permitted under the terms of this chapter or amendments, are considered valid nonconforming uses.
- B. A valid nonconforming use, building, structure, or lot may be continued only so long as the then existing or a more restricted use continues, and such use is not discontinued for more than two (2) years, subject to provisions in this article concerning discontinuance for more than two years under limited circumstances, and so long as the buildings or structures are maintained in their then structural condition; and that the uses of such buildings or structures shall conform to such regulations whenever, with respect to the building or structure, the square footage of a building or structure is enlarged, or the building or structure is structurally altered as provided in the Uniform Statewide Building Code. Further, no nonconforming use may be expanded, and no nonconforming building or structure may be moved on the same lot or to any other lot which is not properly zoned to permit such use.
- C. Upon approval of a rezoning for property located in the County, any legal use that was occurring on the subject property at the time of the approval may continue in operation until such time as development of the property commences. If the development is done in phases, commencement would be considered when development is begun on that phase. However, at onset of development, the use shall meet the requirements of the zoning for which it was rezoned, including any proffered conditions, for the property or a phase of the property undergoing development.

17-903. Repair, Rebuild, or Replace.

An owner of a residential or commercial building damaged or destroyed by a natural disaster or other act of God may repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a zoning variance. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the Uniform Statewide Building Code and any work done to repair, rebuild or replace such building or structure shall be in compliance with the provisions of all applicable flood plain regulations. Unless such building or structure is repaired, rebuilt or replaced within two years of the date of the natural disaster or other act of God, such building or structure shall only be repaired, rebuilt or replaced in accordance with the provisions of this chapter. However, if the nonconforming building or structure is in an area under a federal disaster declaration and the building or structure has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the owner shall have an additional two years to repair, rebuild or replaced as otherwise provided in this article.

17-904. "Act of God" Defined.

For purposes of this article, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this article, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the owner to commit an arson and obtain vested rights under this article.

17-905. Lots of Record.

Where a lot of record existing prior to October 1, 2014 does not contain land of sufficient area or width to permit conformity with the dimensional requirements of this chapter, the following provisions shall apply:

- A. When two (2) or more adjoining and vacant lots with continuous frontage are in single ownership at the time of the enactment of this chapter or amendments thereto, and each of such lots have a width or lot area less than is required by the district in which they are located, such lots may be utilized as one (1) or more building sites provided all applicable requirements of this chapter are met and the common lot line is vacated;
- B. Where a single nonconforming lot of record at the time of enactment or amendment of this chapter is not of continuous frontage with other lots in the same ownership, such lots may be used as a building site, provided the yard dimensions and requirements other than those applying to area or width of the lot shall conform to the regulations for the district in which such lot is located. Variances of yard requirements may be obtained only through appeal to the board of zoning appeals, as outlined in Article 10, Procedures.

17-906. Manufactured Homes.

- A. Nothing in this article shall be construed to prevent the landowner or home owner from removing a valid nonconforming manufactured home from a manufactured home park or manufactured home subdivision and replacing that home with another comparable

manufactured home that meets the current HUD manufactured housing code. In such manufactured home park, a single-wide home may replace a single-wide home and a multi-wide home may replace a multi-wide home.

- B. Nothing in this article shall be construed to prevent the landowner or home owner from removing a valid nonconforming manufactured home not located in a manufactured home park and replacing that manufactured home with either a single-wide or double-wide manufactured home that meets the current HUD manufactured home code or with a single-family dwelling meeting the Virginia Uniform Statewide Building Code as long as the new manufactured home or single-family dwelling does not become more nonconforming. Any such replacement home shall retain the valid nonconforming status of the prior home.

17-907. Removal of Nonconforming Signs.

Nothing in this section shall be construed to prevent Rockingham County, after making a reasonable attempt to notify a property owner, from ordering the removal of a nonconforming sign that has been abandoned. For the purposes of this section, a sign shall be considered abandoned if the business for which the sign was erected has not been in operation for at least two (2) years. If, following the two (2) year period, the County has made a reasonable attempt to notify the property owner, the County through its own agent and employees may enter the property upon which the sign is located and remove any such sign whenever the owner has refused to do so. The cost of such removal shall be chargeable to the owner of the property. Nothing herein shall prevent the locality from applying to a court of competent jurisdiction for an order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or other appropriate remedy.

CHAPTER 17. ZONING.

ARTICLE 10. PROCEDURES.

- Sec. 17-1001. Procedures.**
- Sec. 17-1001.01. Application Process.**
- Sec. 17-1001.02. Notice Provisions.**
- Sec. 17-1001.03. Public Hearings.**
- Sec. 17-1001.04. Post-Decision Appeals.**
- Sec. 17-1002. Amendments to Chapter.**
- Sec. 17-1002.01. Procedures.**
- Sec. 17-1002.02. Planning Commission Hearing and Action.**
- Sec. 17-1002.03. Board of Supervisors Hearing and Action.**
- Sec. 17-1003. Special Uses.**
- Sec. 17-1003.01. Procedures.**
- Sec. 17-1003.02. Board of Supervisors Hearing and Action.**
- Sec. 17-1004. Rezoning.**
- Sec. 17-1004.01. Procedures.**
- Sec. 17-1004.02. Conditional Zoning.**
- Sec. 17-1004.03. Statement of Proffers.**
- Sec. 17-1004.04. Master Plans.**
- Sec. 17-1004.05. Amendments to Planned Development Districts.**
- Sec. 17-1004.06. Submission of Proffer Statements and Materials.**
- Sec. 17-1004.07. Review of Rezoning with Proffer Statements.**
- Sec. 17-1004.08. Planning Commission Hearing and Action.**
- Sec. 17-1004.09. Board of Supervisors Hearing and Action.**
- Sec. 17-1004.10. Effect of Acceptance.**
- Sec. 17-1005. Site Plans.**
- Sec. 17-1005.01. Submission Requirements.**
- Sec. 17-1005.02. Existing Uses and Structures.**
- Sec. 17-1005.03. Site Plan Review Requirements.**
- Sec. 17-1005.04. Review Process.**
- Sec. 17-1005.05. Conformance with Master Plan.**
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- Sec. 17-1006. Variances.**
- Sec. 17-1006.01. Procedures.**
- Sec. 17-1006.02. Board of Zoning Appeals Hearing and Action.**
- Sec. 17-1007. Appeals to the Board of Zoning Appeals.**
- Sec. 17-1007.01. Procedure.**
- Sec. 17-1008. Petition to court**
- Sec. 17-1008.01. Appeals from Decisions of the Board of Supervisors.**
- Sec. 17-1008.02. Appeals from Decisions of Board of Zoning Appeals.**

17-1001. Procedures.

In order to meet development needs while protecting the public health, safety, and welfare, this article is intended to set forth the procedures for obtaining permits pursuant to this chapter and for amending this chapter.

17-1001.01. Application Process.

- A. The specific procedures required for reviewing various applications differ. Generally, the procedures for all applications have three common elements:
 - 1. submittal of a complete application, including applicable information and payment of the required fee;
 - 2. review of the submittal by designated officials, commissions, and Board of Supervisors; and
 - 3. action to approve, approve with conditions, or deny the application.
- B. Submittal dates or filing deadlines are specific to the type of application.
- C. Application.
 - 1. Current application materials shall be made available in the office of the Zoning Administrator and on the County's website.
 - 2. Applications not initiated by the Planning Commission or the Board of Supervisors shall be accompanied by payment of a fee as set forth in Article 11 of this chapter.
 - 3. Upon withdrawal of an application, the fee required will be refunded provided no expenditures have been made for publicizing or conducting the public hearing at the time the notice is received.
 - 4. Upon submission, the Zoning Administrator shall review any application filed pursuant to this chapter for completeness.
 - 5. Nonpayment of required fees shall deem an application incomplete.
- D. Prior to processing an application pursuant to this chapter, the applicant shall be required to pay any delinquent real estate taxes owed to the County on the subject property.
- E. Prior to final subdivision, site plan, or permit approval, the applicant may be required to disclose any contamination and other adverse environmental conditions of the subject property and produce satisfactory evidence of remediation of such.
- F. Prior to the issuance of a building permit, the developer shall provide a secured performance bond in accordance with the Rockingham County Bonding Policy to cover the costs of all improvements required by a special use permit, rezoning, variance, plan, or plat. The following shall apply to structures that are required to have a foundation or footer inspection prior to proceeding with construction above the foundation, slab, or piers. The

foundation survey is a requirement of the construction process to ensure that structures outlined herein are located to meet all setbacks.

1. The foundation survey shall be prepared by a certified land surveyor licensed to practice in the Commonwealth of Virginia.
2. The foundation survey shall be prepared after the footer or foundation has been inspected and approved by the building inspector.
3. The foundation survey shall document the location of the foundation, slab, or piers relative to property lines to confirm that the construction complies with setback regulations.
4. Foundation surveys shall show all overhanging roofs, eaves, sills, cornices, buttresses, gutters, ornamental features, chimneys, flues, protective hoods overhanging projections, landings, decks, balconies, patios, stoops, and steps.
5. Construction above the foundation, slab, or pier shall not commence until the survey has been approved.
6. In the event the survey reveals the construction does not meet setback regulations and the adjoining property is also owned by the applicant, the construction may proceed pending the submission and approval of a deed vacating or altering the subject property line. The final inspection of the construction shall be withheld until the deed has been approved and recorded.
7. Foundation survey shall be obtained for the following structures:
 - a. Located on parcels one acre or smaller:
 - i. New dwellings, businesses, or other primary structures.
 - ii. Additions to primary structures, remodeling to enclose open portions of dwellings, businesses, or other primary structures.
 - iii. New accessory structures larger than 580 square feet
 - iv. Additions to accessory buildings that would result in final building size of more than 580 square feet.
 - b. Located in manufactured home parks established after 1995 when the requirement for platted lots was adopted:
 - i. Manufactured homes.
 - ii. Decks larger than four feet by four feet.
 - iii. Additions larger than four feet by four feet.
 - c. The following exceptions to the foundation survey requirement are:

- i. For a new structure or an addition to an existing structure on a tract of land that has a valid survey and a certified land surveyor confirms by letter that the foundation is more than sixty (60) feet from all property lines.
- ii. For additions to existing structures, or enclosure of unenclosed porches, decks, etc, the survey requirement may be waived if the applicant can demonstrate compliance with setbacks and open yard area requirements by a previous survey or other means deemed reasonable and satisfactory by the County.
- iii. Open-sided structures not on a permanent foundation (i.e. metal carports).
- iv. Valid non-conforming manufactured home parks established prior to 1995 without platted lots.

17-1001.02. Notice Provisions.

- A. When notice is required as a part of the application process, notice requirements shall be as prescribed in the Code of Virginia § 15.2-2204, and as may be further prescribed in the individual subsections of this article.
- B. The public notice shall state the general description of the proposed amendment.
- C. Following the required public hearing(s), the reviewing body may take any action on the application that is consistent with the notice given, including approval of the application, approval of the application as amended, or denial of the application.
 - 1. The reviewing body may allow amendments to the application if the effect of the amendments is to clarify the proposal, allow a lesser change than that requested on the original application or to reduce the impact of the development or to reduce the amount of land involved from that indicated in the notices of the public hearing.
 - 2. The reviewing body shall not, in any case, permit a greater intensity of development, or a use falling under a different general use category, or a larger land area than indicated in the original application, or a greater variance than was indicated in the notice.

17-1001.03. Public Hearings.

- A. In cases where a public hearing is required as part of the application process, public hearings before the Board of Zoning Appeals, the Planning Commission, or the Board of Supervisors shall be as set forth in the Code of Virginia and other applicable sections of this article.
- B. The purpose of a public hearing is to allow the applicant and all other interested parties a meaningful and fair opportunity to be heard, to present evidence relevant to the application, and to rebut evidence presented by others.
- C. All hearings under this article shall be open to the public and shall be conducted in an impartial manner.

- D. Where appropriate, additional rules governing the public hearing may apply, including the provisions of other chapters of the Code of Virginia applicable to the reviewing body conducting the public hearing and any of the reviewing body's adopted rules or procedures.
- E. The reviewing body conducting the public hearing may adopt rules of procedure to limit the time for each presentation or each speaker.
- F. The reviewing body conducting the public hearing shall record the minutes of the proceedings by any appropriate means as prescribed by rule and consistent with the Code of Virginia. Such minutes shall be maintained on file by the County as public records.

17-1001.04. Post-Decision Appeals.

Any person, including any officer or body of the County, aggrieved by a final administrative determination on a development permit or administrative development approval by the Zoning Administrator or final reviewing body may appeal such final determination to the appellate body designated by this article, if any, in the manner provided in this article.

17-1002. Amendments to Chapter.

- A. Applications for amendments to Chapter 17 may be initiated by any property owner or resident of the county, any government official or department, the Board of Supervisors, or the Planning Commission.
- B. In accordance with the Code of Virginia § 15.2-2286(A)7, the Board of Supervisors may amend these regulations or repeal them by ordinance whenever the public necessity, convenience, general welfare, or good zoning practice requires. This chapter shall not be amended or reenacted unless the Board of Supervisors has first referred the proposed amendment or reenactment to the Planning Commission for its recommendations. Amendments to this chapter may be initiated by citizens, the Planning Commission, or the Board of Supervisors.

17-1002.01. Application.

Upon the filing of an application to amend this chapter, the applicant shall submit to the Zoning Administrator the proposed amendment and the reason for the proposed amendment. Such application shall be in writing.

- 17-1002.02. Planning Commission Hearing and Action.**
- A. Upon receipt of a complete application, the Zoning Administrator shall forward all proposed amendments to this chapter to the Planning Commission for consideration and recommendation. The Planning Commission shall study proposals to determine:
 - 1. The need and justification for the change based upon the public necessity, convenience, general welfare, or good zoning practice; and
 - 2. Whether the proposed change will further the purposes of this chapter and the County's Comprehensive Plan or any other plan adopted by the County.
- B. The Commission shall consider the proposed amendment only after notice has been given and a public hearing has been held, as required by the Code of Virginia § 15.2-2204.

- C. The Commission may recommend approval of the amendment, approval with modifications to the proposed amendment as a result of the hearing, or denial of the amendment. The recommendation shall state the public purpose that necessitates the action. The Commission shall then forward the proposed amendment, along with its recommendation to the Board of Supervisors. The recommendation of the Commission shall be advisory only and shall not be binding on the Board of Supervisors.
- D. If the Commission fails to submit its recommendations within one hundred (100) days of the first meeting of the Commission after the proposed amendment has been referred to it, the Commission shall be deemed to have recommended approval of the proposed amendment.

17-1002.03. Board of Supervisors Hearing and Action.

- A. The Board of Supervisors shall consider the proposed amendment only after notice has been given and public hearing has been held, as required by the Code of Virginia § 15.2-2204.
- B. The Board of Supervisors and the Planning Commission may hold a joint public hearing in accordance with the Code of Virginia.
- C. The Board of Supervisors shall approve the proposed amendment, approve the proposed amendment with modifications as a result of the public hearing, or deny the proposed amendment. Any motion by the Board of Supervisors shall state the public purpose that necessitates the action.
- D. All motions, resolutions, or petitions for amendment to the zoning ordinance shall be acted upon and a decision made by the Board of Supervisors within twelve (12) months from the date of the public hearing before the Board of Supervisors, unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his proposed amendment to the zoning ordinance.
- E. At the discretion of the applicant that initiated the request and upon written notice to the Zoning Administrator, any application for an amendment may be withdrawn prior to action thereon by the Board of Supervisors.
- F. No request for an amendment to these regulations that is the same or substantially the same as a request previously acted upon by the Board of Supervisors shall be considered within one (1) year from the date that the same was acted on by the Board of Supervisors, except when such decision is the subject of a motion by the Board of Supervisors to rehear. Any such motion to rehear shall be in accordance with rules adopted by the Board of Supervisors.

17-1003. Special Uses.

In accordance with Section 15.2-2286, Code of Virginia, the Rockingham County Board of Supervisors reserves unto itself the right to hear requests for and to issue special use permits, under suitable regulations and safeguards, for certain uses not otherwise permitted in a particular district except by special use permit as may be authorized by this chapter.

17-1003.01. Application.

- A. Applications for special uses may be initiated by any property owner, contract purchaser with the owner's written consent, agent of the property owner, tenant with the approval of the property owner, the Planning Commission, or the Board of Supervisors.
- B. Application shall be made to the Zoning Administrator on the prescribed forms provided by the Department of Community Development.
- C. The application shall be accompanied by an accurately scaled drawing showing the following:
 - 1. The size, dimensions, and shape of the parcel of land on which the proposed building or use is to be located;
 - 2. The nature and dimensions of the proposed buildings and area of land to be used;
 - 3. The location of such buildings and area, for which a permit is requested, with respect to all existing buildings, to any public highways adjoining the parcel of land and the uses of lands surrounding the proposed building and area;
 - 4. Location and number of existing and proposed off-street parking spaces;
 - 5. Any planned screening, buffering and landscaping;
 - 6. The location and dimensions of any signs associated with the proposal.
 - 7. Any other items the Zoning Administrator determines necessary.
- D. Upon receipt of an application for a special use, the application will be forwarded to Zoning Administrator for study and report. The application shall then be transmitted to the Board of Supervisors for public hearing.
- E. No special uses shall be authorized except after notice and hearing as required by Section 15.2-2204, Code of Virginia.

17-1003.02. Board of Supervisors Hearing and Action.

- A. In authorizing special uses by the granting of special use permits, the Board of Supervisors shall consider:
 - 1. public convenience and necessity, and general welfare;
 - 2. the requirements of this chapter, the principles that apply to zoning, and the County's Comprehensive Plan or any other plan adopted by the County.
- B. Special uses shall not be authorized if such actions are not consistent with good zoning practice including whether the proposed use is compatible with the surrounding uses and the Comprehensive Plan or any other plan adopted by the County, is not detrimental to the character of adjacent land, is consistent with the intent of this chapter, and is in the public interest.

C. Conditions:

1. The applicant for a special use permit may voluntarily offer particular conditions related to the proposed use, which can be adopted by the Board of Supervisors to accompany the application.
 2. All plans, drawings, or maps submitted with the application or presented during any public hearing shall be considered conditions.
 3. In approving a special use, the Board of Supervisors may also impose conditions relating to the use as it may deem necessary, including limiting the duration of a permit.
 4. Such conditions shall be consistent with the intent and purposes of this chapter and in conformity with the standards set forth in this chapter.
 5. No certificate of occupancy will be issued until all conditions placed upon the special use permit are met.
 6. All conditions shall be binding. Any expansion or addition shall require an additional special use permit approval.
- D. Operation of the building or use of the land shall be commenced within two (2) years of the date of approval unless otherwise provided in the conditions of the permit. For the purposes of this section, commencement is considered as the inspection and approval of the footers and foundation of a new or enlarged structure or, for renovations, the inspection and approval of the framing, wiring, and plumbing, of an existing structure. A certificate of occupancy must be obtained within two (2) years of the commencement date. For uses not involving a structure, the use shall be commenced within two (2) years from the date of approval of the special use permit. The Zoning Administrator may grant a one-time extension of two (2) years. Failure to meet these requirements results in the voiding of the permit, and reapplication shall be required.
- E. No application for a special use permit shall be considered by the Board of Supervisors within one (1) year from the date that the Board acted on an application for the same or substantially the same use on the same parcel of land, except by motion of the Board of Supervisors to rehear.
- F. If the Board of Supervisors determines that there has not been compliance with the terms and conditions of a special use permit granted by the Board of Supervisors, it may revoke the special use permit.
1. No special use permit may be revoked except after public notice and hearing as provided by the Code of Virginia.
 2. The right to revoke a special use permit, as provided in this subsection, shall be cumulative to any other remedy allowed by law.
- G. An approved special use permit which has been put into use in accordance with the provisions of this section shall become void if the use ceases activity for more than two (2) consecutive years, unless approval of the permit specifically provides otherwise.

17-1004. Rezoning.

In accordance with the Code of Virginia § 15.2-2286(A)7, the Board of Supervisors may rezone property.

17-1004.01. Application.

- A. Any rezoning request may be initiated by any property owner, contract purchaser with the owner's written consent, agent of the property owner, the Planning Commission, or the Board of Supervisors.
- B. A complete application shall be made to the Zoning Administrator including a boundary map of the property, showing a metes and bounds description of the area to be rezoned.
- C. No rezoning request shall be considered except after notice and hearing as required by the Code of Virginia, § 15.2-2204.

17-1004.02. Conditional Zoning

- A. Pursuant to Code of Virginia, § 15.2-2298(A), the Board of Supervisors hereby adopts and utilizes the conditional zoning authority granted under Code of Virginia, § 15.2-2303
- B. Any applicant for rezoning may, as part of the application, proffer, in writing, reasonable conditions concerning the use and development of his property, including off-site improvements that may serve or benefit his property and the public welfare.
- C. Proffered conditions shall be in addition to those regulations provided in this chapter and applicable to the particular zone classification sought in said application.
- D. Proffered conditions shall have been proffered in writing in advance of the public hearing before the governing body required by § 15.2-2285..

17-1004.03. Statement of Proffers.

- A. A Proffer Statement shall be submitted in the following format:

“PROFFER STATEMENT

RE: Applicant’s Name

Owner’s Name (if different from Applicant)

Date

Rezoning Case Number (if number has been assigned by the
Zoning Administrator)

Tax Map Number(s) of parcels to which proffers apply

[Applicant] hereby proffer(s) that the use and development of this
property shall be in strict accordance with the following conditions:

1.

2.

3.

Etc.”

- B. All proffered conditions shall include a detailed description of the condition being proffered, shall identify the party responsible for fulfilling the condition, shall provide a specific timeframe for the completion of the condition, and an approximate location for the condition.
- C. Any revision to the proffer statement shall be submitted in the same format, with a new date, and shall include at the end of the statement the following:

“The conditions set forth in this proffer statement supersede all
conditions set forth in previous proffer statements submitted as
part of this application.”

- D. The applicant may also proffer to use and develop the property in accordance with the schematic land use plan or other plans, profiles, elevations, demonstrative materials and written statement submitted as part of the general plan of development. In such case, the proffer statement shall make reference to such materials, and each copy of such materials shall contain the following statement:

“I hereby proffer that the use and development of this property
shall be in strict accordance with the proffered conditions set forth
herein and/ or depicted thereon.”

17-1004.04. Master Plans.

- A. The application for rezoning requests for zoning districts detailed in Article 4, together with two (2) hardcopies, one 11"x17" copy and one 2'x3' copy, and a digital file of a master plan prepared by a surveyor, engineer, or architect, as defined in the Code of Virginia, shall be filed with the Zoning Administrator. Upon request from the Zoning Administrator, the applicant shall submit additional hardcopies for review.
- B. Such application shall include the following information as a minimum:
 - 1. A vicinity map at a scale of not less than one (1) inch equal to one thousand (1,000) feet showing surrounding properties, surrounding public streets, and private roads;
 - 2. An accurate boundary survey of the tract;
 - 3. An existing conditions map(s) showing:
 - a. conservation or riparian areas, including all classified streams, wooded areas, areas of specimen trees, potential wetlands, slopes in excess of twenty-five (25) percent, historic structures and sites included in the records of the Virginia Department of Historic Resources, and floodplain;
 - b. existing topography with a maximum of ten- (10) foot contour intervals at a scale of not less than one (1) inch equal to one hundred (100)feet;
 - c. existing roads, rights-of-way, easements, and utilities;
 - d. the existing owners and zoning district(s) of the proposed development;
 - e. the existing owners, zoning district(s), present use(s), and location of all parcels adjacent the proposed development
 - f. the existing location, type, and size of ingress and egress to the site
 - 4. A master plan showing:
 - a. the areas to be designated as preservation areas, if appropriate
 - b. areas to be designated as conservation or riparian areas, including all classified streams, wetlands, and other significant environmental features;
 - c. existing wooded areas, areas of specimen trees, and designated wooded areas to be preserved;
 - d. the proposed rough grading/topography with a maximum of ten- (10) foot intervals;
 - e. the general location of proposed streets, alleys, sidewalks, and multi-purpose trails;
 - f. typical street cross-sections to show proportions, scale, and streetscape;

- g. connections to existing and proposed streets, as well as proposed roads shown in the Comprehensive Plan or any other plan adopted by the County, Metropolitan Planning Organization's Long Range Plan, and VDOT future transportation plans;
 - h. anticipated trip generation figures;
 - i. the general layout for the water and sewer systems, conceptual stormwater management, and a conceptual mitigation plan;
 - j. the location of features or elements within the development essential to the design of the development, such as land use areas, parking areas and structures, and common areas;
 - k. a list of all land uses including dwelling types and densities, and the general location of commercial uses and industrial uses;
 - l. the general lot layout; and
 - m. the transition or buffer between the development project and any adjoining parcels with existing development.
- A. A Plan Description shall be submitted, to include a summary of design elements such as lot characteristics, building heights, and common area characteristics, and to convey any items required above which cannot be effectively illustrated with images.
 - B. The Master Plan, Plan Description, and any demonstrative materials submitted with the application shall become part of the record of the hearing on the application and become legally binding elements of the amendment to the zoning ordinance and map.
 - C. All rezoning application materials shall be submitted prior to the Board of Supervisors' public hearing.

17-1004.05. Amendments to Planned Development Districts.

- A. With each application to amend the area of the planned development district, or to amend the narrative statement or the master plan within an area that is less than the entire district, the applicant shall submit a vicinity map, as detailed above, showing the entire existing planned development district and identifying any area to be added to or deleted from the district, or identifying the area to which the amended proffers and master plan will apply.
- B. Additional land may be added to an existing planned development if it is adjoining, forms a logical addition to the existing development, and is under the same ownership or unified control. For the purpose of this subsection, a public road does not prevent lands being considered as adjoining.
- C. The application procedure for adding additional acreage shall be the same as if an original application were filed. All of the requirements of this chapter shall apply.
- D. The addition of a permitted use, which is not shown on the approved Master Plan, shall require an amendment to the Master Plan. The procedure to amend the Master Plan shall

be the same as if an original application were filed. All of the requirements of this chapter shall apply.

17-1004.06. Submission of Proffer Statements and Materials.

- A. Original statements or materials first submitted after the Planning Commission hearing are subject to referral to the Commission for additional comment.
- B. The Board of Supervisors may schedule an additional public hearing to consider amendments submitted less than two weeks prior to the Board of Supervisors public hearing.

17-1004.07. Review of Rezoning with Proffer Statements.

- A. All submissions relating to rezoning cases shall be made to the Zoning Administrator.
- B. When an amendment to the Zoning Map has been initiated and a proffer statement filed in conjunction therewith, the Zoning Administrator shall cause the amendments to be expeditiously reviewed by such staff, departments, offices, agencies or other personnel as appropriate.
- C. Summary of findings:
 - 1. The review shall include an examination of the applicant's proffer statement and/ or materials.
 - 2. The Zoning Administrator may suggest revisions to the proffers statement in order to clarify the proffers volunteered by the applicant.
 - 3. In addition, before the application is scheduled for a public hearing before the Planning Commission, the Zoning Administrator shall present to the applicant a summary of the findings of the review in order that the applicant may make modifications of the application should they desire to so.
- D. Public hearing:
 - 1. After the Zoning Administrator has presented a summary of the review findings to the applicant, the application shall be referred to the Planning Commission for public hearing.
 - 2. The Zoning Administrator shall not be required to refer such application immediately but shall consider the applicant's preference, the Planning Commission's schedule and the appropriate use of County staff.

17-1004.08. Planning Commission Hearing and Action.

- A. All proposed rezonings shall be submitted to the Planning Commission for consideration and recommendation. The Planning Commission shall study proposals to determine:
 - 1. The need and justification for the change;
 - 2. The effect of the change, if any, on the property and on the surrounding neighborhood;

3. The amount of undeveloped land in the general area and in the County having the same district classification as requested; and
 4. The relationship of the proposed rezoning to the purposes of the County's Comprehensive Plan or any other plan adopted by the County.
- B. The Commission shall consider the proposed rezoning only after notice has been given and a public hearing has been held, as required by section 15.2-2204, Code of Virginia. The public notice shall state the general usage and density range of the proposed rezoning and the general usage and density range, if any, set forth in the applicable part of the comprehensive plan.
 - C. The Commission may recommend approval of the proposed rezoning, approval with modifications, or denial, as a result of the public hearing. The recommendation shall state the reasons for its action. The Commission shall then forward the proposed rezoning, along with its recommendation to the Board of Supervisors. The recommendation of the Planning Commission shall be advisory only and shall not be binding on the Board of Supervisors.
 - D. If the Commission fails to submit its recommendation within one hundred (100) days of the first meeting of the Commission after the proposed rezoning has been referred to it, the Commission shall be deemed to have recommended approval of the proposed rezoning.

17-1004.09. Board of Supervisors Hearing and Action.

- A. The Board of Supervisors shall consider the proposed rezoning only after notice has been given and public hearing has been held, as required by the Code of Virginia. The public notice shall state the general usage and density range of the proposed rezoning and the general usage and density range, if any, set forth in the applicable part of the comprehensive plan.
- B. The Board of Supervisors and the Planning Commission may hold a joint public hearing in accordance with the Code of Virginia.
- C. The Board of Supervisors shall approve the proposed rezoning, approve with modifications, or deny the proposed rezoning, as a result of the public hearing. Any motion by the Board of Supervisors shall state the public purposes for the amendment, and identify the public necessity, the convenience, general welfare, or good zoning practice which necessitates such action.
- D. If the Board of Supervisors approves the rezoning request with a Master Plan, a copy of the master plan shall remain on file in the Department of Community Development.
- E. All applications for rezoning shall be acted upon and a decision made by the Board of Supervisors within 12 months from the date of the public hearing before the Board of Supervisors, unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his rezoning application.
- F. Any late amendment submission shall act to extend by a period of one month the total time allowed by law for review and consideration of a rezoning request if, by virtue of the above requirement for an additional public hearing and the Board of Supervisors' schedule, the matter would be placed for hearing after the expiration of the allowed review period.

- G. At the discretion of the applicant that initiated the request and upon written notice to the Zoning Administrator, any application may be withdrawn prior to action thereon by the Board of Supervisors.
- H. No rezoning request that is the same or substantially the same as a rezoning request previously acted upon by the Board of Supervisors shall be considered within one (1) year from the date that the same was acted on by the Board of Supervisors, except when such decision is the subject of a motion by the Board of Supervisors to rehear.
- I. Any such motion to rehear shall be in accordance with rules adopted by the Board of Supervisors.
- J. Upon approval of a rezoning for property located in the County, any legal use that was occurring on the subject property at the time of the approval may continue in operation until such time as development of the property commences. If the development is done in phases, commencement would be considered when development is begun on that phase. However, at onset of development, the use shall meet the requirements of the zoning for which it was rezoned, including any proffered conditions, for the property or a phase of the property undergoing development.

17-1004.10. Effect of Acceptance.

A. Conditions binding upon adoption:

- 1. The governing body, when acting on an application for a Zoning Map amendment, may adopt as a part of the Zoning Map the proffered conditions, in whole or in part, set forth by the applicant.
- 2. Once adopted by the governing body, such proffered conditions shall be binding on the use and development of the property and shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised Zoning Ordinance or Map.

B. Map references; conformance to existing conditions:

- 1. The Zoning Map and other appropriate files maintained by the Zoning Administrator shall reference the existence of adopted proffered conditions attached to various properties.
- 2. Any site plan, final plan, or subdivision thereafter submitted for development of property to which proffered conditions have attached shall conform to all such conditions and shall not be approved by the Zoning Administrator in the absence of such conformity.
- 3. For the purpose of this section, "conformity" shall mean such conformity which leaves a reasonable margin of adjustment due to final engineering data but conforms to the general nature of the development, the specific uses and also the layout depicted by the plans, profiles, elevations and other demonstrative material presented by the applicant.

C. The Zoning Administrator shall have all enforcement and administrative authority so granted to him by the Code of Virginia, § 15.2-2299.

D. Guaranty:

1. The Zoning Administrator may require a guaranty, satisfactory to the Board of Supervisors, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the proffered conditions or a contract for the construction of such improvements and the contractor's guaranty, in like amount and so conditioned, which guaranty may be reduced or released by the Zoning Administrator upon the submission of satisfactory evidence that the construction of such improvements has been completed in whole or in part.
 2. Said guaranty shall be required no later than final site plan or subdivision approval.
- E. Failure to meet or comply with any proffered condition shall be sufficient cause to deny the issuance of any permits, grading permits, zoning permits, building permits, use permits and certificates of occupancy as may be deemed appropriate by the Zoning Administrator.
- F. Right of appeal: Any person aggrieved by any decision of the Zoning Administrator regarding any proffered condition or the regulations contained in this section or the denial of any permit may appeal such decision to the Board of Supervisors.
1. Such appeal shall be filed within thirty (30) days from the date of notice of the decision by filing a notice of appeal with the Zoning Administrator.
 2. Such notice shall be a written statement specifying in full the grounds on which aggrieved and the basis for the appeal.

G. Board of Supervisors to hear appeals:

1. Upon receipt of the appeal notice, the Board of Supervisors shall take such testimony as it deems appropriate and render its decision, in writing, within sixty (60) days after receipt of the appeal notice.
2. The Board of Supervisors may reverse or affirm wholly or partly or may modify the decision of the Zoning Administrator brought upon appeal.

17-1005. Site Plans.

Before any building permit may be issued, a site plan, meeting all requirements of this section, shall be submitted and approved by the Zoning Administrator.

17-1005.01. Submission Requirements.

- A. The Zoning Administrator shall determine if a required site plan qualifies as a minor or major site plan.
- B. Site plan review shall be required for all new uses, changes of use, or expansion of use except for:
1. Single-family residential, duplex and manufactured homes on individual lots including accessory uses.

2. Temporary modular classrooms used by public schools.
3. Tents used for one (1) month or less at an approved site and which do not alter or impede required parking.
4. Structures of less than five hundred eighty (580) square feet.
5. Recreational amenities, such as gazebos, benches, playground equipment, picnic shelters and the like, at approved sites which do not exceed two thousand five hundred (2,500) square feet of disturbed area, and which do not alter or impede required parking.
6. Exemption from the site plan process does not exempt the applicant from any requirements which may be enforced by other agencies or from zoning, subdivision, and building code requirements.

17-1005.02. Existing Uses and Structures.

- A. This section does not apply to uses and structures that are lawfully in existence as of October 1, 2014.
- B. Any use or structure shall be considered to be in existence provided such use or the construction of such structure has started prior to the October 1, 2014 and is fully constructed and completed within one (1) year after the October 1, 2014.
- C. Any use that would otherwise be subject to this section, which has been discontinued for a period of one (1) year or more, shall be subject to review pursuant to the terms of this section before such use is resumed.

17-1005.03. Site Plan Review Requirements.

- A. Uses which do not qualify as a minor site plan shall require a site plan prepared and sealed by an engineer, architect, or land surveyor, licensed by the Commonwealth of Virginia to practice as such.
- B. Nine (9) paper copies and one (1) electronic copy of the site plan, drawn to scale, shall be submitted by the applicant and approved by the Zoning Administrator. The Zoning Administrator may decrease the required number of paper copies as the project warrants. Each site plan shall contain, at a minimum, the following:
 1. Vicinity map showing the location of the tract or lot showing roads, route numbers, road names, streams, and bodies of water, towns or cities, or other landmarks sufficient to clearly identify the location of the property;
 2. Project name, landowner, owner's agent (if applicable) and contact telephone number, address, and seal of licensed engineer, architect or land surveyor (if applicable);
 3. A narrative description of the specific use on site, sufficient to determine if the proposed use is permitted by the zoning district;
 4. Tax map number, address of the site, zoning, scale of drawing and north arrow;

5. A boundary survey of the tract or lot;
6. All requirements specified by a planned district and as shown on the approved master plan;
7. Existing and proposed buildings, outside display and storage areas on subject property, showing the location, dimensions, including structure height, statewide uniform building code use group, number of floors, proposed floor plan and area, distances to property lines from buildings, and building restriction and setback lines;
8. All existing and proposed streets, including names, numbers and widths,
9. All on-site easements, including those for utilities and storm drainage, if applicable;
10. Utilities, including type, grades, (may be on separate sheet), dimensions (may be on separate sheet), pipe sizes (may be on separate sheet), and authorization to connect to existing public water and sewer systems or install private water and sewer systems;
11. Location of existing and proposed fire hydrants within one thousand (1,000) feet of site, location of fire lanes, ISO fire flow calculations, and any other requirements of the fire marshal;
12. Ownership, zoning, and use of all adjoining property;
13. Existing and proposed off-street parking, including: parking calculations showing how the numbers were generated, dimensions of each parking space, design, dimensions of the parking lot or area, loading spaces, handicap parking and type of surfacing;
14. Location, design, sight distance, and dimensions of all vehicular entrances and exits to the site;
15. Provisions for adequate disposition of natural and storm water (may be on separate sheet) as required by local or state code, indicating all proposed temporary and permanent control measures;
16. Proposed erosion and sediment control measures (may be on separate sheet) as required by local or state code, indicating all proposed temporary and permanent control measures;
17. The flood zone classification and flood plain boundaries from the flood insurance rate maps of the Federal Emergency Management Agency on site or as determined by a site survey;
18. Provision for adequate screening for uses not conducted within a completely enclosed structure, areas of storage of any materials or any screening as required by the County Code.
19. Provision for landscaping.
20. General location of solid waste and recycling storage containers.

21. Any provisions for outdoor lighting.
22. If the site is permitted by special use permit, rezoning, or variance, the permit number and conditions shall be included..
23. Other information needed to process the site plan application may be requested.

17-1005.04. Review Process.

- A. The Zoning Administrator is charged with the implementation of a review process meeting the goals of site plan review.
- B. The Zoning Administrator may forward the site plan to other agencies and departments as needed.
- C. There shall be no clearing or grading of any site without issuance of a permit based on an erosion and sediment control plan approved by the Stormwater Management Program Administrator. Such plans must comply as follows:
 1. The plans must meet certain rules and regulations of the Department of Conservation and Recreation;
 2. Plans and specifications for construction of streets shall comply with the standards of the Virginia Department of Transportation, unless otherwise approved by that department
 3. The plans must follow the Best Management Practice Handbook;
 4. And plans must meet all applicable policies, ordinances, and plans of the County.
- D. No building permit or certificate of occupancy will be issued until all provisions of the approved site plan are met to the satisfaction of the Zoning Administrator.

17-1005.05. Conformance with Master Plan.

- A. The Zoning Administrator may allow a site plan or subdivision plat for a planned development to deviate from the following provisions of an approved master plan:
 1. Minor deviations to yard requirements, maximum building heights, and minimum lot sizes;
 2. Changes to the arrangement of buildings and uses shown on the plan, provided that the major elements shown on the plan and their relationships remain the same;
 3. Changes to phasing plans;
 4. Minor changes to landscaping or architecture; and
 5. Minor deviations to street design.
- B. The applicant shall submit a written request for a deviation to the Zoning Administrator. The request shall specify the provision of the master plan for which the deviation is sought, and state the reason for the requested deviation.

- C. The Zoning Administrator is authorized to grant a deviation upon a determination that the deviation:
1. is consistent with the goals and strategies of the Comprehensive Plan;
 2. does not increase the approved development density or intensity of development;
 3. does not adversely affect the timing and phasing of the development of any other adjacent development;
 4. does not require a special use permit; and
 5. is in general accord with the purpose and intent of the approved master plan.
- D. Any deviation not expressly provided for herein may be accomplished through a zoning map amendment (rezoning).

17-1005.06. Approval.

- A. The determination of whether a site plan meets the requirements of this section shall be made by the Zoning Administrator.
- B. Approval of a site plan shall be null and void if the construction of the proposed development is not initiated within five (5) years of the date of approval.
- C. Upon approval, three sets of site plans, signed by the Zoning Administrator and dated with the date of approval, shall be returned to the applicant.

17-1005.07. Project Development.

- A. Required improvements.
1. All improvements shown on the site plan shall be installed by the developer at his cost.
 2. In cases where specifications have been established by state departments, the provisions of this chapter or other ordinances of the county, such specifications shall be followed.
 3. The developer's performance bond, in accordance with the County Bonding Policy, shall not be released until construction has been inspected and approved by the appropriate official.
- B. Maintenance of common property.
1. The developer shall identify a single entity with unitary ownership or unified control, such as a property owner's association, to be responsible for maintaining all common property.
 2. The cost of maintaining common property shall be paid by the above identified responsible entity. Any fees associated with property assessments required for the maintenance of common property shall constitute a lien upon individual properties.

17-1006. Variances.

The Board of Zoning Appeals shall have the power upon appeal or original application in specific cases, to authorize variances as defined in section 15.2-2201, Code of Virginia, from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of this chapter shall be observed and substantial justice done.

17-1006.01. Procedures.

- A. Applications for variances may be initiated by any property owner, contract purchaser with the owner's written consent, or agent of the property owner, the Planning Commission, or the Board of Supervisors. Application shall be made to the Zoning Administrator on the prescribed application form provided by the Department of Community Development.
- B. The application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Zoning Administrator.
- C. Applications for variances not initiated by Federal, State, other local jurisdictions, or the Board of Supervisors shall be accompanied by payment of a fee as set forth in Article 11 of this chapter.
- D. Upon receipt of a complete application for a variance, the Zoning Administrator shall transmit the application to the Board of Zoning Appeals. The Board of Zoning Appeals shall place the matter on the docket for action and hold a public hearing. The Board of Zoning Appeals shall decide the matter within ninety (90) days from the date of such hearing.
- E. Standards. No variance to the provisions of this chapter shall be authorized by the Board of Zoning Appeals unless the applicant can show to the satisfaction of the Board of Zoning Appeals, based upon evidence heard by it, that the property was acquired in good faith and that the literal interpretation of the provisions of this chapter would create an unnecessary hardship that would effectively prohibit or unreasonably restrict the utilization of the property. The applicant shall provide evidence to the Board of Zoning Appeals that the variance being sought satisfies this general standard and the standards set forth below as follows:
 - 1. The subject property is exceptional at the time of the effective date of this chapter as compared to other lots subject to the same provision by reason of a unique physical condition, including exceptional narrowness, shallowness, size or shape, or exceptional topographic conditions or other extraordinary situations or conditions peculiar to and inherent in the subject piece of property, or of the condition, situation, or development of property immediately adjacent thereto;
 - 2. The unique physical condition set forth in subsection (A), above, is not the result of any action or inaction of the property owner or his predecessors in title and existed at the time of the effective date of the provisions of this chapter from which a variance is sought;
 - 3. The granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant;

4. The requested variance is no greater than the minimum variation necessary to relieve the unnecessary hardship demonstrated by the applicant;
5. The requested variance shall not result in a use or development of the property that would not be in harmony with the intended spirit and purpose of this chapter and would not permit a use in a district that is not authorized by that district's regulations.

17-1006.02. Board of Zoning Appeals Hearing and Action.

- A. No variance shall be authorized except after notice and hearing as required by Section 15.2-2204, Code of Virginia.
- B. Findings of the Board of Zoning Appeals. Upon evidence heard by the Board of Zoning Appeals, the Board shall authorize a variance to the provisions of this chapter only if it makes all four (4) of the following findings:
 1. That the strict application of the chapter would produce undue hardship relating to the property;
 2. That such hardship is not shared generally by the other properties in the same zoning district and the same vicinity;
 3. That the authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
 4. That the condition or situation of the property is not so general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.
- C. Conditions and guarantees.
 1. In authorizing a variance the Board of Zoning Appeals may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
 2. Notwithstanding any other provision of law, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinances; however, the use or structure permitted by the variance may not be expanded.
- D. Withdrawal of application. Any application for a variance before the Board of Zoning Appeals may be withdrawn upon written notice to the Zoning Administrator prior to action by said Board.

17-1007. Appeals to the Board of Zoning Appeals.

The Board of Zoning Appeals shall have the power to hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this chapter.

17-1007.01. Procedure.

- A. An appeal to the Board of Zoning Appeals may be taken by any persons aggrieved or by any officer, department, Board of Supervisors or bureau of Rockingham County affected by any decision of the Zoning Administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this chapter, any ordinance adopted pursuant to this chapter, or any modification of zoning requirements pursuant to the Code of Virginia.
- B. The appeal shall be taken within thirty (30) days of the date of the written notice of a zoning violation or the written order of the Zoning Administrator which shall have included a statement informing the recipient that he may have a right to appeal the notice of zoning violation, in accordance with section 15.2-2311, Code of Virginia.
- C. Applications for appeal shall be submitted to the Zoning Administrator who shall refer the application to the Board of Zoning Appeals; such notice of appeal shall specify the grounds for appeal
- D. The Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
- E. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Zoning Appeals that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board of Zoning Appeals or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.
- F. Upon receipt of a notice of appeal, the Board of of Zoning Appeals shall fix a reasonable time for the hearing of the appeal; the Board of shall consider appeals after notice to the parties in interest and hearings as required by section 15.2-2204, Code of Virginia and make its decision within ninety (90) days of the filing of the application or appeal, unless the applicant agrees to an extension of time in writing.
- G. Such appeals shall be decided only after notice and hearing as provided by section 15.2-2204, Code of Virginia.
- H. In exercising the powers granted the Board of Zoning Appeals in this chapter, the said Board may, in conformity with the provisions of this chapter and following the hearing, reverse or affirm, wholly or in part, or may modify an order, requirement, decision or determination appealed from and to that end shall have all powers of the Zoning Administrator and may issue or direct the issuance of a zoning permit.
 - 1. The decision on the appeal shall be based upon the Board's judgment of whether the Zoning Administrator or administrative officer made the correct determination based on the applicable ordinances, laws and information provided.
 - 2. The Board of Zoning Appeals shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision.

- I. Withdrawal of application. Any application for a variance before the Board of Zoning Appeals may be withdrawn upon written notice to the Zoning Administrator prior to action by said Board.
- J. Notwithstanding the provisions above, the appeal period for notices of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, or similar short-term, recurring violations shall be ten (10) days.

17-1008. Petition to court

17-1008.01. Appeals from Decisions of the Board of Supervisors.

- A. Petitions contesting a decision of the Board of Supervisors adopting or failing to adopt a proposed amendment to this chapter or granting or failing to grant a special use shall be filed with the Clerk of the Circuit Court of Rockingham County within thirty (30) days of the decision being appealed.
- B. Nothing in this section shall be construed to create any new right to contest the action of the Board of Supervisors.

17-1008.02. Appeals from Decisions of Board of Zoning Appeals.

Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any aggrieved taxpayer or any officer, department, Board of Supervisors, or bureau of Rockingham County may file with the Clerk of the Circuit Court of Rockingham County a petition specifying the grounds of grievance within thirty (30) days after the final decision of the BZA.

CHAPTER 17. ZONING.

ARTICLE 11. SCHEDULE OF FEES.

Sec. 17-1101. Established.

Sec. 17-1102. Return of fees.

17-1101. Established.

The Board of Supervisors shall establish fees by ordinance, as provided in Virginia Code, Section 15.2-2286, in order to cover the administrative expenses of processing applications, publicizing and conducting public hearings, performing necessary inspections, and other expenses incidental to the administration of this zoning ordinance.

17-1102. Return of fees.

No portion of any fee payment shall be returned to any applicant unless notice has been received by the Zoning Administrator prior to the County having taken any action which results in a cost to the Department associated with the application.

CHAPTER 17. ZONING.

ARTICLE 12. ENFORCEMENT, VIOLATIONS AND PENALTIES.

Sec. 17-1201. Complaints and Investigation Regarding Violations.

Sec. 17-1202. Penalties and Enforcement.

Sec. 17-1201. Complaints and Investigation Regarding Violations.

- A. Any person may lodge a complaint alleging a violation of Chapter 17 to have occurred. Such complaint shall be with the Zoning Administrator, who shall record such complaint, investigate, and take action thereon as provided by this chapter.
- B. The Zoning Administrator shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling to complete the investigation of an alleged violation.
- C. If consent cannot be obtained, the Zoning Administrator may present sworn testimony to a magistrate or court of competent jurisdiction to establish probable cause that a zoning ordinance violation has occurred.
- D. If probable cause can be established, the Zoning Administrator may request that the magistrate or court grant an inspection warrant to enable the Zoning Administrator to enter the subject dwelling for the purpose of determining whether violations of the Zoning Ordinance exist.

Sec. 17-1202. Penalties and Enforcement.

- A. Any person violating, or causing or permitting the violation of, any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be ordered by the court to abate or remedy the violation in compliance with the Zoning Ordinance, within a time period established by the court and shall be fined not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by the above named fine, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by an additional fine of not less than one hundred dollars (\$100.00) nor more than one thousand five hundred dollars (\$1,500.00). In addition, any permits issued by the county to such person may be revoked by the county.
- B. Any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with the Code of Virginia. A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

- C. The Zoning Administrator, in addition to or in lieu of other remedies, may institute appropriate action or proceedings, including injunction or abatement to restrain, correct, or abate any violation or attempted violation of the provisions of this chapter.

CHAPTER 17. ZONING

ARTICLE 13. ADMINISTRATIVE OFFICIALS AND BOARDS.

Sec. 17-1301. Zoning Administrator.

Sec. 17-1301.01. Powers and Duties.

Sec. 17-1302. Board of Zoning Appeals.

Sec. 17-1303.01. General Rules of Procedure.

Sec. 17-1303.02. Powers and Duties.

17-1301. Zoning Administrator.

- A. This chapter shall be enforced by the Zoning Administrator, who shall be appointed by the Board of Supervisors.
- B. The Zoning Administrator may also hold another office for Rockingham County.

17-1301.01. Powers and Duties Related to Zoning.

- A. The Zoning Administrator is authorized and empowered on behalf of and in the name of the Board of Supervisors to administer and enforce the provisions and requirements of this chapter.
- B. The Zoning Administrator shall have all necessary authority on behalf of the Board of Supervisors to administer and enforce this chapter, including:
 - 1. the ordering in writing of the remedying of any violation of this chapter;
 - 2. the bringing of legal action, including injunction, abatement, or other appropriate action or proceeding, subject to appeal in accordance with this chapter; and
 - 3. in specific cases, make findings of fact and, with concurrence of the County Attorney, conclusions of law regarding determinations of rights regarding vested rights and nonconforming uses in accordance with section 15.2-2307, Code of Virginia.
- C. The Zoning Administrator shall respond within ninety (90) days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period.
- D. The Zoning Administrator is vested with all necessary authority on behalf of the Board of Supervisors to administer and enforce conditions attached to a rezoning, an amendment to a zoning map, or a special use permit in the same manner as described above for any violation of this chapter.
- E. The Zoning Administrator is further vested with all necessary authority on behalf of the Board of Supervisors to administer the Bonding Policy sufficient for and conditioned upon the construction of any physical improvements required by the conditions of a rezoning,

amendment to zoning map, site plan, or special use permit, or a contract for the construction of the improvements and the contractor's guarantee in like amount and condition, which guarantee shall be reduced or released by the Zoning Administrator upon the submission of satisfactory evidence that construction of such improvements has been completed.

- F. In no event shall a written order, requirement, decision, or determination by the Zoning Administrator be subject to change, modification, or reversal by the Zoning Administrator after 60 days have elapsed from the date of the written order, requirement, decision, or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the Zoning Administrator unless it is proven that such written order, requirement, decision, or determination was obtained through malfeasance of the Zoning Administrator or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the Rockingham County Attorney, modification is required to correct clerical or other nondiscretionary errors.
- G. Failure to comply with Chapter 17 shall constitute cause for the Zoning Administrator to deny the issuance of any of the required use, occupancy, or building permits as may be appropriate.

17-1302. Board of Zoning Appeals.

- A. The Board of Zoning Appeals shall consist of five (5) members who are Rockingham County residents and who shall be appointed by the Circuit Court of Rockingham County.
- B. Appointments shall be for five (5) years each. The secretary of the Board of Zoning Appeals shall notify the circuit court at least thirty (30) days in advance of the expiration of any term of office. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until his successor is appointed by the Board of Supervisors and is sworn in by the Circuit Court.
- C. No Board of Zoning Appeals member can hold any other office in the County except one may be a member of the Planning Commission.
- D. Members of the Board of Zoning Appeals may receive such compensation as may be authorized by the Board of Supervisors.
- E. Within the limits of funds appropriated by the Board of Supervisors, the Board of Zoning Appeals may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.
- F. Appointments for vacancies occurring otherwise than by expiration of term shall, in all cases, be for the unexpired term. A member may be removed for cause by the Circuit Court after a hearing is held no less than fifteen (15) days after written notice of charges are sent such member. Such notice shall be mailed certified, return receipt requested, or hand delivered.

17-1302.01. General Rules of Procedure.

- A. The Board of Zoning Appeals shall adopt rules in accordance with the provisions of this chapter and consistent with other ordinances of Rockingham County and the Code of Virginia for the conduct of its affairs.
- B. The Board of Zoning Appeals shall elect a chairman and vice chairman from its own membership who shall serve annual terms.
- C. The Board of Zoning Appeals shall keep minutes of its proceedings and other official actions.
 - 1. The Board of Zoning Appeals shall keep records, transcripts, minutes, or other records of its proceedings sufficient to make possible court determinations on appeal as to the validity of its findings, decisions, and its reasons therefor.
 - 2. Minutes and records shall be filed in the office of the Zoning Administrator and shall be public records.
 - 3. The Board of Zoning Appeals shall submit a report of its activities to the Board of Supervisors at least once a year.
- D. All meetings of the Board of Zoning Appeals shall be held in conformity with the Virginia Freedom of Information Act.
- E. The meetings of The Board of Zoning Appeals shall be held at the call of the chairman and at such other times as a quorum of The Board of Zoning Appeals may determine. Alternatively, the board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or the vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and press as promptly as possible. All hearings and other matters previously and properly advertised shall be conducted at the continued meeting and no further advertisement is required.
- F. The chairman, or in his absence the vice chairman or acting chairman, may administer oaths and compel the attendance of witnesses.
- G. A quorum shall be at least three (3) members.
- H. The majority vote of those members present and voting shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of any variance from the ordinance.
- I. A property owner, or his appointed agent, shall not initiate action requiring a hearing before the Board of Zoning Appeals which is substantially the same application related to the same

parcel of land more often than every twelve (12) months without specific approval by the Board of Zoning Appeals of a motion to rehear the application. Any such motion to rehear shall be in accordance with rules adopted by the Board of Zoning Appeals.

17-1302.02. Powers and Duties.

- A. The Board of Zoning Appeals shall hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in the administration or enforcement of this chapter.
- B. The Board of Zoning Appeals shall authorize upon appeal or original application in specific cases, such variance as defined in section 15.2-2201, Code of Virginia, from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of this chapter shall be observed and substantial justice done.
- C. The Board of Zoning Appeals shall hear and decide appeals from the decision of the Zoning Administrator after notice and hearing as provided by section 15.2-2204, Code of Virginia. However, as authorized by the Code of Virginia, Section 15.2-2309, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board of Zoning Appeals may give such notice by first-class mail rather than by registered or certified mail;
- D. The Board of Zoning Appeals shall hear and decide applications for interpretation of the district map where there is uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by the Code of Virginia, Section 15.2-2204, the Board of Zoning Appeals may interpret the map in such way as to carry out the intent and purpose of the chapter for the particular section or district in question. However, as authorized by the Code of Virginia, Section 15.2-2309, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by this chapter.
- E. The Board of Zoning Appeals shall strictly adhere to all provisions of this chapter. No provision of this section shall be construed as granting the Board of Zoning Appeals the power to rezone property or to base Board of Zoning Appeals decisions on the merits of the purpose and intent of local ordinances duly adopted by the Board of Supervisors. The Board of Zoning Appeals, as a body of limited jurisdiction, shall act in full conformity with all provisions in this chapter and in strict compliance with all provisions in this chapter and in strict compliance with all limitations contained therein. The provisions of this chapter shall be deemed to be jurisdictional, and any action taken by the Board of Zoning Appeals beyond

the authority and specifically conferred by the provisions of this chapter and the limitations applicable thereto shall be of no force and effect.